



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

September 9, 2021

1 p.m. - 4 p.m.

This meeting will be held online. Meeting materials and a link to observe the meeting are also posted on the board's website.

1. Welcome/Housekeeping/Roll Call
2. Agenda Approval
3. Minutes Approval – August 12, 2021
4. Suggested language on discriminatory conduct (see attachment). – 20 minutes
5. Standards of Conduct, page 27 AV15 draft 40 minutes
6. Minimum Selection Standards, page 11 AV15 draft 40 minutes
7. Background Investigations, page 9 AV15 draft – 15 minutes
8. Psychological Screenings, page 10 AV15 draft – 15 minutes
9. Wrap-up
10. Adjournment

Next meetings:

October 7, 1-4 pm

November 18, 1-4 pm

December 9, 1-4 pm

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

**Advisory Committee on POST Board Rules Overhaul Meeting
Draft Minutes
Electronic Meeting via Microsoft Teams
August, 2021**

Members Present

Mark Fahning
Elliot Butay
Michelle Gross
Elisabeth Lee
Raj Sethuraju
Bryan Litsey
Theresa Paulson
Steven Soyka
Tracy Stille
Jean Cemensky
Aaron Suomala-Fokerds
Vincent Do
Sara Edel
Bill Bolt
Craig Enevoldsen

Members Absent

Sherisse Truesdale-Moore
Pat Nelson
Gwen Degroff-Gunter
David Bicking
Jack Serier

Staff Present

Erik Misselt
Rebecca Gaspard

Others Present*

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

The meeting started at 9:30 am.

Approval of the Agenda: The committee accepted the agenda as presented.

Approval of the July 17, 2021 Meeting Minutes: The committee accepted the minutes as drafted without changes.

Standards of Conduct Draft

There was considerable discussion on the draft standards.

Focusing on the general list of standards of conduct:

Whether the standards of conduct would affect local control over officer conduct

If “any jurisdiction” would be understood to mean in and outside of Minnesota and the US

Discriminatory conduct, including first amendment issues, including or not including white supremacy, trust in Southern Poverty Law Center and the FBI, Minnesota Human Rights Act, display of insignia, whether an ALJ would reject this portion of the proposed rules, etc. Theresa Paulson will draft alternative language, consulting with others on Item F under standards of conduct in the AV11 draft.

The meeting was adjourned at 11:51 am.

MN Statutes section 214 identifies standard of proof for discipline, which is “reasonable grounds”.

There was concern regarding a standard that officers would comply with laws (item E), that it would include many minor issues.

Discussion ensued about whether the standards of conduct should address issues raised in a civil charge. It was noted that there is a financial incentive to settle civil

cases without addressing whether the charge was warranted. Issues that might be raised in a civil suit could be raised directly with the board if the issue was addressed in standards of conduct.

Whether requiring procedural justice could be added

Concern about reducing public trust in #9 on page 21 - Adding intention to an act that reduces public trust in peace officers

There was discussion about making allowance for officers who become chemically dependent and have a license revocation resulting from actions related to the chem dep status.

Regarding civil disposition of cases alleging wrong-doing, it could be added under discretionary discipline. Persons filing a civil complaint would be advised by their attorney(s) that a complaint could also be filed with the board. Should board look at cases that come to the board's attention regarding civil complaints that are not brought to the board by the complainant?

Gaspard will revise the draft to address the committee's comments and concerns, and to reduce the duplication in some areas.

The meeting adjourned at 12:30.

Subcommittee work:

Standards of conduct regarding bias against race, sex, sexual orientation, religion, disability, and age.

1. Licensees shall not commit any act that would be deemed a violation of Minnesota or Federal law regardless of conviction or being charged thereof, because of another person's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin.
2. Membership in a group that promotes discrimination against any group of people because of actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin is subject, may be used as evidence that the act performed was due to bias.

Current draft language which has expanded and evolved considerably since the August Advisory Committee meeting: (from page 27 of AV15 draft). It would be a violation of standards of conduct to:

- F. Engage in on or off duty discriminatory conduct based on a perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, marital status, status with regard to public assistance, age, or any other protected class as defined by the Minnesota Human Rights Act in MN Statutes, section 363a, local jurisdiction, or federal law;
- G. Undermine public trust in law enforcement by supporting or participating in any form, unless sanctioned as part of official duties, in the activities of an extremist group. An extremist group advocates any of the following:
 - 1) hatred or intolerance based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, marital status, status with regard to public assistance, age, or any other protected class as defined by the Minnesota Human Rights Act in MN Statutes, section 363a, or federal law;
 - 2) Creating, supporting, or engaging in discrimination based on those protected classes;
 - 3) Promotion of the use of force, violence, or unlawful means to deprive individuals of their rights under the Minnesota or United States Constitution;
 - 4) unlawful violence or force to achieve goals that are political, religious, discriminatory, or ideological in nature;
 - 5) a duty to engage in violence against the government in support of an extremist cause;
 - 6) Activities promoting or teaching the overthrow of the local, state or U.S. Government by force or violence, or seeking to alter the form of government by unconstitutional means (sedition).

Support includes:

- advocacy of white supremacist, or any extremist doctrine, ideology, group, organization, or cause as defined in 6700.0100 Subp. x;
- advocating or participating in illegal discrimination;

- advocating or participating in the use of force, violence, or criminal activity in efforts to deprive individuals of their civil rights;
- advocating or participating in violence against the government or seditious activities.

Advocacy or participation in an extremist organization's activities includes:

- dissemination of extremist material; cyber or social media posts, chats, forums, and other forms of promotion of the extremist group's ideology;
- display or use of insignia, colors, tattoos, hand signs, slogans, or codes;
- financial contributions, or physical or cyber presence in the extremist events, and
- other conduct that could reasonably be considered advocacy or participation.

AV15 Advisory Committee Rules Draft – 9/9/21

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

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

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

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

KEY:

New since previous meeting indicated by highlight. Includes entire section if just header is highlighted.

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

Underline indicates new text not found in current rule

~~Cross-out~~ indicates current rule text to be removed

"A" next to the citation means the Advisory Committee on POST Board Rules Overhaul has reviewed the section

"R" next to the citation means the Board Rules Committee has reviewed and approved the section

Notes are in red text

AMEND THIS SECTION indicates the section is incomplete and under review for possible amendments.

Footnotes contain relevant statutory references and are not part of proposed rules

Index of sections in this draft (list of current rule sections are found on last pages of this draft):

6700.0100 DEFINITIONS
6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION
6700.0500 PEACE OFFICER LICENSING EXAMS
6700.0501 RECIPROCITY LICENSING EXAMS
6700.0600 LICENSING EXAMINATIONS.
6700.0601 EXAMINATION STANDARDS.
6700.x650 ~~NOTIFICATION OF CONVICTION~~ BACKGROUND INVESTIGATION.
6700.x675 PSYCHOLOGICAL SCREENING.
6700.0700 MINIMUM SELECTION STANDARDS.
6700.0725 APPLICANTS FOR LICENSURE
6700.07xx MILITARY TEMPORARY LICENSE.
6700.07XX EMPLOYMENT OF PEACE OFFICERS
6700.0800 LICENSING OF PEACE OFFICERS.
6700.xxxx MANDATED POLICIES
6700.0900 CONTINUING EDUCATION PROVIDERS
6700.1000 LICENSE RENEWAL.

6700.1xxx. RENEWING EXPIRED AND INACTIVE LICENSES
6700.1xxx REINSTATEMENT AFTER REVOCATION OR SUSPENSION.
~~6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.~~
6700.xxxx MANDATED POLICIES
6700.1500 STANDARDS OF CONDUCT FOR ~~LICENSEES~~ PEACE OFFICERS.

- Subd. 1- deleted
- Subd. 2 – LEAS can adopt more stringent standards
- Subd. 3 - deleted
- Subd. 4 - standards
- Subd. 5 - discipline
- Subd. 6 – mandatory revocation
- Subd. 7 – emergency suspension

~~6700.1600 VIOLATION OF STANDARDS OF CONDUCT.~~

6700.1700 COMPLAINT COMMITTEE

6700.1710 DISCIPLINARY ACTIONS FOR VIOLATIONS OF ADMINISTRATIVE RULES.

~~6700.2000 DEFINITIONS.~~

6700.2100 SCOPE.

6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES. *CLEO must have procedures for misconduct complaints*

~~6700.2300 AFFIRMATION OF COMPLIANCE.~~

~~6700.2400 COPIES OF PROCEDURES.~~

6700.2500 DOCUMENTATION OF COMPLAINTS. *How LEA documents*

6700.2600 PROCESSING OF COMPLAINTS. *how LEA processes complaints*

6700.0100 Definitions *does not include all current definitions in rule*

Subp. x. Basic police education. "Basic police education" means: A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or B. a basic course sponsored by the federal government for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Center's uniformed patrol course or basic investigators course.

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

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

Subp. X. Discriminatory Conduct. Discriminatory conduct includes a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, marital status,

status with regard to public assistance, age, or any other protected class as defined by the Minnesota Human Rights Act in MN Statutes, section 363a, or federal law, and would lead an objectively reasonable person to conclude that the applicant cannot perform the duties of office in a fair and impartial manner;

Subp. X. Extremist Group. Extremist group means a group or organization that advocates any of the following: *delete if definition text remains in standards of conduct 6700.1500*

- A. hatred or intolerance based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, marital status, status with regard to public assistance, age, or any other protected class as defined by the Minnesota Human Rights Act in MN Statutes, section 363a, or federal law;
- B. Creating, supporting, or engaging in discrimination based on those protected classes;
- C. Promotion of the use of force, violence, or unlawful means to deprive individuals of their rights under the Minnesota or United States Constitution;
- D. unlawful violence or force to achieve goals that are political, religious, discriminatory, or ideological in nature;
- E. a duty to engage in violence against the government in support of an extremist cause;
- F. Activities promoting or teaching the overthrow of the local, state or U.S. Government by force or violence, or seeking to alter the form of government by unconstitutional means (sedition).

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

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

x. Law Enforcement Agency.¹ "Law enforcement agency" (LEA) means any agency, political subdivision, civil service commission, tribe, or other local government entity authorized by law to employ police officers, sheriffs, or conservation officers in their licensed capacity.

Subp. x. Law enforcement officer. "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Subp. x. Postsecondary degree. "Postsecondary degree" means an associates or bachelor's degree awarded by a postsecondary institution accredited by a member of one of the six regional accrediting associations xxxx and authorized to award degrees including, but not limited to, Associate of Arts

¹ **626.84 DEFINITIONS AND SCOPE.** Subdivision 1. Definitions.

f). "Law enforcement agency" means:

- (1) a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state;
- (2) subject to the limitations in section [626.93](#), a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e).

(A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees. *See file on accreditation, get OHE input, see Peggy's notes, add OHE to rulemaking list.*

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION. AMEND THIS SECTION

Subpart 1. Subject areas. The professional peace officer education must minimally include instruction in the learning objectives approved by the board and based on the following subject areas:

- A. history and overview of the criminal justice system;
- B. Minnesota statute law;
- C. constitutional law and criminal procedure;
- D. juvenile justice system and procedure;
- E. patrol procedures;
- F. criminal investigation and testifying;
- G. human behavior and crisis intervention;
- H. defensive tactics and use of force; and
- I. cultural awareness and response to crime victims.

The organization of the curriculum and the location of delivery of curriculum components is the responsibility of the certified school's governing body.

Subp. 2. Waiver. Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. Minimum requirements. All certified schools shall comply with the minimum requirements in subpart 1 and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts [6700.0100](#) to [6700.1800](#) precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. Learning objectives. Periodically the board may revise the learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1. These revisions must be incorporated into the professional peace officer education of the certified program.

Subp. 5. Participation requirements.

A. All certified schools shall develop standards for admission to the professional peace officer education courses. These standards must measure the student's likelihood of successful completion of the program.

B. No student may be admitted to the professional peace officer program who:

- (1) poses a serious threat to the health or safety of themselves or others; or
- (2) has been convicted of any crime listed as a disqualification from appointment to the position of peace officer under part [6700.0700](#), subpart 1, item F.

C. If a student is denied admission or participation in the professional peace officer education program because of any of the requirements in item A or B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the program because of any of the requirements in item A or B.

D. Prior to admission to the professional peace officer education program, all students must be advised in writing of the minimum selection standards under part [6700.0700](#), using an advisory form developed by the board. In addition, students shall be advised in writing of the credit transfer agreements which the certified program has established with upper division institutions in Minnesota.

Subp. 6. Certified school's responsibilities.

The certified school's responsibilities include the following:

A. The certified school shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education.

B. The certified school shall implement a records retention schedule requiring that curriculum materials used in the delivery of professional peace officer education be retained for five years. The materials must include course outlines, bibliographies, and other materials which would document the contents of the certified school's curriculum. This document applies to courses offered both on the certified school's campus and at any contracted extended sites.

C. The chief executive officer of the certified school shall, by October 1 of each year, file with the board an affirmative action plan and such other relevant information as the board may require. The affirmative action plan must include specific goals and objectives which describe measurable statements of performance for the recruitment and retention of minority students and women in the certified school's professional peace officer education program. By September 1 of each year, the chief executive officer of the certified school shall submit a written report to the board evaluating the effectiveness of the special goals and objectives included in the affirmative action plan from the previous year. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

D. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

Subp. 7. Instructor requirements. All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

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.

Subp. 10. Documentation of completion.

The registrar's office of each certified school shall retain documentation on an official school transcript which indicates the manner in which the student completed the professional peace officer education courses.

Statutory Authority: *MS s 626.84 to 626.863* History: *14 SR 12; 18 SR 1961; 25 SR 1242; 26 SR 181; 27 SR 1866*

6700.XXXX Employment of Peace Officers

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

Subpart 1. Board certified applicants. Individuals who have completed training and testing requirements – *explain how cleo knows person is eligible for hire, because min selection standards do not discuss training and testing*

Subpart 2. Notification of Background Investigations. The CLEO must notify the board when a background investigation of an applicant for a peace officer position is conducted as required in part XXXX.

Subpart 3. Notification of Employment. The CLEO must notify the board of the prospective employment of a peace officer by submitting a completed notification form provided by the board, including identifying information on the applicant and attesting that the applicable minimum selection standards required in part 6700.0700 have been met. The CLEO must ensure that the applicant does not act as a peace officer until the board has approved the notification and the applicant has a valid license issued by the board.

Subp. 4. License Status of Peace Officers. The CLEO must ensure that only officers with an active license perform the responsibilities of a peace officer, and that an officer with an expired or inactive license does not return to duty without an active license.

Subp. 5. Notification of Complaints and Discipline

Add Requirements for new database

Add in rule mechanism for CLEO to release all internal documents investigation documents, personnel file, etc for related to complaint? discharge? DP issues

When notify us of termination, must articulate reason for termination

Subp. 6. Notification of Employment Separation. The CLEO must report separation from employment of any law enforcement officer from the law enforcement agency within 10 days, using a notification method provided by the Board. The notification must include reports on any pending complaints, investigations, or discipline and the reason for separation.

6700.0500 PEACE OFFICER LICENSING EXAMINATION. *AMEND THIS SECTION*

Subpart 1. [Repealed, 14 SR 12] *board sends when exam is passed saying person is eligible to be licensed*

Subp. 2. [Repealed, 14 SR 12]

Subp. 3. Eligibility for examination.

- A. Students who successfully completed Graduates of a Minnesota professional peace officer education program (PPOE) which meets the minimum requirements in part 6700.0300, subpart 1, are eligible to take the peace officer licensing examination within two years of their graduation date. An application must include an official certified transcript showing the completion of a postsecondary degree; and the (PPOE) coordinator's signature attesting to the student's successful completion of professional peace officer education the PPOE program.

- B. Previously licensed peace officers from other states
- C. Military law enforcement personnel meeting the requirements of part x

Subp. 4. [Repealed, 11 SR 2337]

Subp. 4a.

Subp. 4b. Certified Applicant. After an individual has completed A passing exam score is valid for three years. After three years

Subp. 5. Reinstatement of eligibility.

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

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

6700.0501 RECIPROCITY LICENSING EXAMINATION. AMEND THIS SECTION

Subpart 1. Scope. For the purposes of this part, the terms defined have the meanings given to them.

Subp. 2. Basic police education. "Basic police education" means: A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or B. a basic course sponsored by the federal government for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Center's uniformed patrol course or basic investigators course.

Subp. 3. Law enforcement officer. "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Subp. 4. [Repealed, 30 SR 903]

Subp. 5. Postsecondary degree. "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. Years of experience. "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course.

Subp. 7. Qualifications. A person who has completed a postsecondary degree, who has had three years of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination; or a person who has five years of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination.

Subp. 8. Eligibility. The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600.

Subp. 9. License eligibility. Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by again demonstrating qualifications for the examination pursuant to subpart 7 and must again comply with the provisions of part 6700.0600.

Subp. 10. Applicability. This part shall not apply to a person who holds a lapsed, revoked, or suspended peace officer license.

Statutory Authority: MS s 214.10; 214.12; 626.84 to 626.863

6700.0600 LICENSING EXAMINATIONS. AMEND THIS SECTION

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

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

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

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

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

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

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

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

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

6700.0601 EXAMINATION STANDARDS.

Subpart 1. Grounds for denial. AMEND THIS SECTION

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

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

Subp. 2. Disciplinary proceedings. AMEND THIS SECTION

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

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

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

6700.x670 NOTIFICATION OF CONVICTION BACKGROUND INVESTIGATION.

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

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

36 months;

- 3) A signed declaration acknowledging under penalty of perjury that all of the information the applicant has provided during the background investigation and in the personal history statement is true and correct to the best of the applicant's knowledge; and
- 4) A signed release allowing background investigation information to be shared with other law enforcement agencies on request by the agency.

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

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

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

F. The chief law enforcement officer must notify the board prior to ~~as soon as possible but no later than 10 days~~ after the initiation of the background investigation² as follows:

- 1) when a background investigation is initiated, giving the candidate's full name, date of birth; and the candidate's peace officer license number, if applicable;
- 2) when a background investigation search required by this chapter reveals
 - a) a disqualifying offense under the minimum selection standards in part ~~6700.0700~~, and must identify the specific offense(s).
 - b) for a currently licensed peace officer, a violation of standards of conduct under part ~~xxxx~~; conviction of a felony, or the conviction of any crime listed in this chapter, or conviction of a crime which was charged under an ordinance or law of another state but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.

G. The board will notify the employing law enforcement agency when a background investigation of a currently licensed peace officer reveals a disqualifying offense.

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

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

- (1) A written psychological test battery relevant to the pre-employment psychological screening criteria established by the law enforcement agency.

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

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

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

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

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

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

6700.0700 Minimum Selection Standards *eligibility letter*

Subpart 1. ~~Selection standards Certified applicants not yet licensed.~~ *Note: use Certified applicants instead of eligible to be licensed applicants? Tie in with part 6700.0600 exam apps*

~~A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may affirm that the applicant has already completed certain of these standards, but the affirmation must be documented pursuant to subpart 2.~~

An applicant certified by the board as having met the preliminary licensing requirements may apply for a peace officer position by with a law enforcement agency (LEA). Prior to employment, the LEA must establish and document that the following minimum selection standards are met by the applicant. The applicant must:

~~A. The applicant shall be a citizen of the United States or eligible to work in the United States.~~

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

~~C. The applicant shall complete an comprehensive written application submit to a psychological screening meeting the requirements of part xxx~~

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

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

~~F. E. No applicant may be appointed to the position of peace officer who has been never have been convicted in this state or in any other jurisdiction of the same or similar offenses identified here³:
check cites footnote and check definition of conviction~~

- ~~1) of a felony in this state or in any other state or federal jurisdiction;~~
- ~~2) of any offense in any other state or federal jurisdiction which that would have been a felony if committed in Minnesota;~~
- ~~3) any of the following non-felony offenses:~~

³ 214.10 COMPLAINT, INVESTIGATION, AND HEARING.

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

- a) assault in the 5th degree 609.224; *Rules committee thinks this could be too harsh as there is a low threshold for this, could get tagged even if didn't do much. Is in current rule but NOT statute. Could leave this to agency to decide after reviewing incident*
- b) bias crimes, including assaults motivated by bias 609.2331 Subd.4 and criminal damage to property 609.595 Subd.2(b);
- c) domestic assault 609.2242;
- d) violation of domestic abuse no contact order 629.75 Subd. 2;
- e) violation of an order for protection 518B.01 Subd. 14 ;
- f) harassment or stalking 609.749;
- g) violation of harassment restraining order 609.748 Subd. 6 ;
- h) sexual extortion, 609.3458 *no hyperlink, CH 11 2021 session law not in revisors site yet 8/27/21*
- i) any offense that would require the applicant to be registered as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;
- j) criminal sexual conduct in the fifth degree 609.3452;
- k) any mistreatment of a vulnerable adult, including under sections 609.2231, 609.231, 609.2325, 609.233, 609.2335, 609.234 609.72 subdivision 3;
- l) patrons of prostitution 609.324, Subd. 3; *Note: Board's Rules Committee April 2021 approves limiting to patrons*
- m) making false claims for profit to a public body or officer 609.465;
- n) attempting medical assistance fraud 609.466; or
- o) theft under 609.52, except that misdemeanor theft of movable property valued at \$500 or less is not an automatic disqualification;
- p) interference with an emergency call 609.78 Subd2.(1);
- q) non-consensual dissemination of private sexual images 617.261;
- r) interference with privacy 609.746;
- s) malicious punishment of child 609.377;
- t) mistreating animals 343.21;
- u) misconduct of a public officer or public employee 609.43;
- v) any state or federal narcotics or controlled substance law, excluding any non-felony marijuana possession offenses violations, irrespective of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another state or federal law; and *Note: Board's Rules Committee April 2021 excluded non-felony marijuana as a bar to licensure (leaves it up to the LEA)*

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

G. be free of any indication of discriminatory conduct that would cause a reasonable person to call into question the applicant's ability to impartially serve and protect members of protected groups consistent with the Minnesota Human Rights Act and MN Statutes section 323a and federal law.

H. have no record or indication of participation or support of an extremist group as defined in part x G H. The applicant shall be fingerprinted for the purpose of disclosure of any criminal convictions, and the fingerprints cards shall must be forwarded by the agency to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a previous felony conviction is discovered.

H. I. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that the applicant is be free from any physical condition which that might adversely

affect the performance of peace officer duties, as established through an exam by a licensed medical professional (*see definition of licensed medical professional*)

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

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

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

~~‡ M.~~ current registration as an emergency medical responder; emergency medical technician; or certification in first aid training and CPR, unless the CLEO attests that the peace officer's position will not include operating a police vehicle⁴.

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

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

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

- a) has provided the LEA with a signed release allowing full access to the licensee's complete disciplinary, complaint, training and personnel records from each previous LEA that employed the applicant as a peace officer; *any DP issues?*
- b) is free from any emotional or mental condition which might adversely affect the performance of peace officer duties and is capable of withstanding the psychological demands inherent in a peace officer's responsibilities, as established by a new psychological screening that meets the requirements of part xxxxx.
- c) Is free from any physical condition which might adversely affect the performance of peace officer duties, as established through an exam by a licensed medical professional.
- d) Has passed a criminal history check and has no arrests or convictions in any jurisdiction that would bar licensure under the minimum selection standards *criminal history as defined in session law? 299C.72 Minnesota Criminal History Checks – CH 11 Session Law SS1 2021*

Subp. 1b. Seasonal or temporary peace officer positions. Currently licensed applicants who remain employed by another law enforcement agency and are applying for seasonal or temporary employment of less than 3 months duration are subject to the minimum selection requirements in part 1 only at the temporary employing agency's discretion. The CLEO must comply with the requirements of part x. *Note to Rebecca: pt officers – eligible for supplemental employment if with original agency?*

⁴ *Note: 169.753 requires officers operating patrol vehicles to be trained in first aid. 169.752 requires patrol vehicles to be equipped with first aid equipment. If emr/alternative training is required at renewal, should it be added to CE requirements?*

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

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

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

Subp. 3. [Repealed, 18 SR 1961]

Subp. 4. ~~More rigid~~ Additional standards. ~~An appointing authority may require an applicant to meet more rigid than those prescribed in this part. Nothing in this chapter prevents a law enforcement agency from applying additional standards or standards that exceed the identified minimum selection standards.~~

6700.0800 LICENSING OF PEACE OFFICERS. AMEND THIS SECTION

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

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

Subp. 2. Application procedures.

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

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

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

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

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

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

Subp. 5. Surrender of license certificate.

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

6700.0725 APPLICANTS FOR LICENSURE **AMEND THIS SECTION**

Figure out order of rule parts.

Subpart 1. Minimum Requirements. **Pathways to licensure: PPOE -Military section x–Transfer section x PPOE Exam**

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

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

6700.07xx MILITARY TEMPORARY LICENSE.

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

Subp. 2. Application and issuance.

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

- A. an applicant for an MT license must submit:
 - 1) a completed application for an MT license;
 - 2) credentials establishing the applicant's identity an active duty military member; the spouse of an active duty military member; or a veteran with an honorable or general discharge who left service in the two years preceding the application date;
 - 3) a copy of an active valid peace officer license without a history of discipline from another state; and
 - 4) Payment of the application fee required in **part xxx.**
- B. the agency must complete a notification form provided by the Board that attests to the satisfaction of the minimum selection standards identified in part 6700.0700.

- C. On receipt of the application, licensing fee, and notification form, the Board will process the application and:
 - a. Issue a 12 month MT license to the applicant.
 - b. notify the law enforcement agency of the licensure.
- D. The applicant may not perform the duties of a peace officer until a license has been issued.

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

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

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

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

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

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

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

Subp. 6. Duty to Report⁵. An officer who fails to comply with the following reporting obligations is subject to discipline under part x:

- A. An officer who observes another law enforcement officer using force in excess of force permitted by law must report in writing within 24 hours to the officer’s chief law enforcement officer.

⁵ **626.8475 DUTY TO INTERCEDE AND REPORT.**

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

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

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

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

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

6700.0900 CONTINUING EDUCATION PROVIDERS.

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

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

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

Subp. 3. Criteria for course approval.

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

A. Board approval of CE courses is granted only for courses that fall into one of the X following required categories: *language must be identical to 6700.1000 Subd 2a CE renewal requirements*

- 1) legal updates and current case law for Minnesota peace officers for a minimum of 4 hours/credits;
- 2) mental illness and crisis intervention for a minimum of 6 hours/credits⁶; 628.8474
- 3) autism⁷ for a minimum of 4 hours; 628.8474
- 4) conflict management and des-escalation for a minimum of 4 hours/credits;
- 5) cultural differences, implicit bias, racial profiling for a minimum of 4 hours/credits;
- 6) resilience courses for officers promoting mental health wellness for a minimum of 4 hours/credits;
edit wording – mental health assessment/suicide prevention/ptsd assessment/stress relief (more cops die by suicide than are killed on the job)
- 7) UOF training 8 hours a year for a total of 24 CEs in the renewal cycle. *Including qualifications via learning objectives and weapons qualifications.*
- 8) Vehicle

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

- 1) a completed application on a form provided by the board;
- 2) course objectives and a course outline including timeline;
- 3) an indication of the course format (online, in person, independent study);

⁶ 626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY. Subdivision 1. *In-service training required.*

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

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

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

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

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

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

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

⁷ 626.8474 AUTISM TRAINING

Subd. 3. **In-service training required.** Beginning July 1, 2021, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service autism training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. The training must consist of at least four continuing education credits of the credits required under section 626.8469 within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2021, is not required to complete this training until the officer's next full three-year licensing cycle.

- 4) for courses previously approved by the board, identify any updates to the course;
- 5) the learning assessments to be used by the instructor to establish whether the officer successfully completed the course; *how would we get them to do this? What would it be? Staff questions whether CE Coordinators have time to review it?*
- 6) evidence that the course content addresses learning objectives for the course established by the board;
- 7) for each instructor and potential substitute instructor who will teach the course, provide:
 - a) a resume;
 - b) evidence that each instructor has a minimum of 32 years of professional or community experience in the subject area;
 - c) the instructor's training in adult learning and instruction
 - d) the instructor's experience in adult learning and instruction;
 - e) any related instructor certifications of qualifications

~~8) If the same course (regardless of instructor) submitted for approval has previously been offered by the course provider within the previous 3 years, the course provider must: delete section.~~

- ~~a) Submit a summary of the total evaluation results from previous course offerings, using a method or form identified by the board. The course provider must also identify any changes or improvements made to the course to address any issues raised in evaluations; *could sales force do it, that's an enhancement.. staff says maybe provide a method to complain to dept.*~~
- ~~b) No approval will be granted unless the course is law enforcement related, is based on the knowledge, skills, and abilities needed to be a peace officer, and meets a law enforcement educational need.~~
- ~~c) C. No approval will be granted unless the sponsor submits information required by the board at least ten days before commencement of the proposed course. Required information may include course goals and objectives, a course outline including timeline, instructor qualifications and evaluation, and an agreement the course statement shall be read according to subpart 6a.~~

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

~~E. The course approval is valid for 12 months.~~

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

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

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

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

Subp. 3a. Providing approved CE Courses.

- A. The approved instructor(s) must to present at all time during training.
- B. The instructor must read the

Subp. 4a. Instructors.

Instructors of CE courses requiring approval from the Board must meet the following qualifications⁸:

- A. 2 years of professional experience in the subject area being taught
- B. Get vetted by IADLEST
- C. Formalized training in the subject matter
- B. Alzheimer's disease or dementia instructors, in addition to general requirements for CE

instructors, must have at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience; or are these the only requirements? Are there instructors who have both instructor training AND the direct care experience with crisis intervention training AND mental health experience? What about train the trainer courses?

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

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

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

Subp. 6a. Course statement. ~~The designee of the sponsor must read aloud the following statement at the beginning of each class: "The (name of the sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. This course (name of the course), (course number) has been approved by the POST Board. for continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education The sponsor of this course has a written policy for the investigation and resolution of discrimination allegations of classroom discrimination This policy applies to all faculty, instructors, administrative staff, and students. A copy of the policy may be obtained from the sponsor moved to 8E~~

Subp. 7. Eligible Attendees ~~Inactive licensed officer.~~ An inactive Currently licensed officer(s), officers with a current inactive license, and officers whose license is expired less than x years are eligible to attend mandated continuing education courses⁹. *Expired licensees who need CE credits to reactivate license*

Subp. 8. Record keeping. Requirements for course providers.

- A. Providers must submit attendance rosters that identify all attendees, indicating those that successfully completed the class, and all attendee's evaluations to the board within 10 calendar days, in the manner provided by the board.
- B. The attendance rosters must be maintained by the course provider for four years.
- C. On request by a law enforcement agency, the provider must verify whether a peace officer has successfully completed the course.
- D. Requests for board approval of changes in instructors must be submitted at least 10 days prior to the course date, except in exigent circumstances, and Instructor changes must be approved by the board. If board approval of a substitute instructor cannot be obtained prior to the class, the class must be cancelled. CE credits will not be recognized from courses taught by unapproved instructors.
- E. The course provider or instructor must read aloud the following statement at the beginning of each class: " This course (name of the course), (course number) has been approved by the POST

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⁹ 626.851 ELIGIBILITY OF OFFICERS. Subdivision 1. Training course attendance; eligibility.

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

Board for required continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education. All officers are expected to participate fully in a professional manner. Instances of unprofessional, inappropriate, or discriminatory conduct will be reported to your department, and you will be asked to leave the class and will not receive any credits.”

- F. A course provider is subject to the revocation of any current course approvals and may be barred for a period of time from future course approvals if the course provide and/or instructor(s):
- 1) Fails to comply with any of the provisions of this part,
 - 2) submits false information to the Board,
 - 3) provides instruction inconsistent with the approved course, or
 - 4) fails to cooperate or whose faculty, instructors, or whose administrative staff fails to cooperate with the board’s review, audit, or investigation of allegations related to the course provider, the course presentation or the instructor; or
 - 5) exhibits unprofessional or discriminatory conduct.

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

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

- the course relates directly to law enforcement, a peace officer’s responsibilities, or a community served by the peace officer *could use some work here on definition*
 - the licensee can establish successful completion of the course.
- A. Continuing education credit CE courses completed at accredited colleges and universities meeting these requirements if the course meets the requirements of subpart 3, item B. Credit shall be granted may be applied towards CE requirements with one semester credit equaling 15 continuing education CE credits and one quarter credit equaling ten continuing education CE credits.

Subp. 11. [Repealed, 9 SR 2701]

Subp. 12. [Repealed, 26 SR 181]

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

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

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

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

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

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

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

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

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

6700.1000 LICENSE RENEWAL.

Subpart 1. Validity of licenses and renewal dates.

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

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

Subp. 2. Renewal Application.

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

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

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

- 3) **Verification** by a licensed mental health provider approved by the agency that the officer completed a wellness check-in with the provider within the past 12 months. *is this in addition to officer resilience training 4 hours every 3 years? Yes.*
- C. If a renewal application is incomplete, the board will notify the licensee or law enforcement agency submitting the renewal of the deficiency. If the completed application is resubmitted after the expiration date, the additional late fee of \$35 applies.
- D. A licensee is not authorized to practice after the expiration date until a license is issued, and any unlicensed practice after the expiration date is a misdemeanor as described in Minnesota Statutes, section 626.863

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

- A. The licensee must complete a total of 48 hours of continuing education hours within the three year licensing cycle before renewal.
- B. **xx** of the 48 hours must include the satisfactory completion of the following board approved courses:
1-6 must be identical to language in 6700.0900 continuing education course providers
 - 1) legal updates and current case law for Minnesota peace officers for a minimum of 4 hours/credits;
 - 2) mental illness and crisis intervention for a minimum of 6 hours/credits; *628.8474*
 - 3) autism for a minimum of 4 hours; *628.8474*
 - 4) conflict management and des-escalation for a minimum of 4 hours/credits;
 - 5) cultural differences, implicit bias, racial profiling for a minimum of 4 hours/credits;
 - 6) resilience courses for officers promoting mental health wellness for a minimum of 4 hours/credits;
edit wording – mental health assessment/suicide prevention/ptsd assessment/stress relief (more cops die by suicide than are killed on the job)
 - 7) UOF training 8 hours a year for a total of 24 CEs in the renewal cycle. *Including qualifications via learning objectives and weapons qualifications.*
- C. The remaining 28 hours xxxx *what counts towards this? Weapon recertification? EVO? UOF?*
- D. When the license cycle expires in an even year, the licensee must complete 8 hours on Emergency Vehicle Operations and Police Pursuits or provide a waiver from the chief law enforcement officer affirming that the officer will not operate a vehicle as a peace officer . 626.8458 Subd. 5. This requirement applies to renewal of licenses that expire in 2024 and thereafter.
- E. *Do we add UOF in here? Or other required training from LEA?*
- F. The remainder of the 48 hours of CE credits must come from

Subp. 3. Audits of Renewal

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

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

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

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

Subp. 1. Expired licenses *AMEND THIS SECTION*

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

Subp. 2. Renewal of an Inactive License.

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

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

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

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

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

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

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

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

- ~~A. the licensee successfully completes the appropriate licensing examination; and~~
- ~~B. the licensee submits the appropriate license renewal fee for an expired license.~~

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

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

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

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

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

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

~~**Subp. 3. Selection standards.**~~

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

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

6700. 17xx REINSTATEMENT AFTER REVOCATION OR SUSPENSION.

A. A peace officer whose license was suspended or revoked by the board under Minnesota Statutes, chapter 626, may reapply for reinstatement if the revocation or suspension order stipulates conditions that must be met for reinstatement. The peace officer must

- (1) apply for reinstatement using an application method provided by the board;
- (2) provide proof that the requirements for reinstatement identified in the revocation or suspension order have been met;

(3) if the license cycle expired during the period of suspension or revocation, meet the requirements for renewing an expired license under this chapter; and

(4) pay the fees required of a new applicant in **part xxxx**;

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

6700.XXXX -Mandated Policies

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

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

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

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

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

Subp. 3. Avoiding Racial Profiling Mandated Policy.

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

B.

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

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

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

6700.1500 STANDARDS OF CONDUCT FOR LICENSEES PEACE OFFICERS.

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

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

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

Subp. 4. Standards of Conduct. A peace officer is subject to discipline by the board under part 6700.0710 when the board finds that the officer has violated a standard of conduct. It is a violation of standards of conduct to:

- A. Be convicted or receive a stay of adjudication in any jurisdiction for any offense:
 - 1) that would bar licensure under the minimum selection standards identified in part 6700.0700 Subp. 1 E;
 - 2) for theft, prostitution, or controlled substance offenses that are not automatic bars to licensure under minimum selection standards;
- B. Falsify or knowingly provide false information to the board, a law enforcement agency, or a court;
- C. Fail to cooperate with an investigation of the board as required by part 6700.1610, subpart 4;
- D. Fail to comply with reporting requirements for officers and chief law enforcement officers in this chapter;
- E. Fail to report crimes of bias or alleged crimes of bias as required under Minnesota Statutes, section 626.5531.
- F. Engage in on or off duty discriminatory conduct based on a perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, marital status, status with regard to public assistance, age, or any other protected class as defined by the Minnesota Human Rights Act in MN Statutes, section 363a, local jurisdiction, or federal law;
- G. Undermine public trust in law enforcement by supporting or participating in any form, unless sanctioned as part of official duties, in the activities of an extremist group. An extremist group advocates any of the following:
 - 1) hatred or intolerance based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, marital status, status with regard to public assistance, age, or any other protected class as defined by the Minnesota Human Rights Act in MN Statutes, section 363a, or federal law;
 - 2) Creating, supporting, or engaging in discrimination based on those protected classes;
 - 3) Promotion of the use of force, violence, or unlawful means to deprive individuals of their rights under the Minnesota or United States Constitution;
 - 4) unlawful violence or force to achieve goals that are political, religious, discriminatory, or ideological in nature;

- 5) a duty to engage in violence against the government in support of an extremist cause;
- 6) Activities promoting or teaching the overthrow of the local, state or U.S. Government by force or violence, or seeking to alter the form of government by unconstitutional means (sedition).

Support includes:

- advocacy of white supremacist, or any extremist doctrine, ideology, group, organization, or cause as defined in 6700.0100 Subp. x;
- advocating or participating in illegal discrimination;
- advocating or participating in the use of force, violence, or criminal activity in efforts to deprive individuals of their civil rights;
- advocating or participating in violence against the government or seditious activities.

Advocacy or participation in an extremist organization's activities includes:

- dissemination of extremist material; cyber or social media posts, chats, forums, and other forms of promotion of the extremist group's ideology;
- display or use of insignia, colors, tattoos, hand signs, slogans, or codes;
- financial contributions, or physical or cyber presence in the extremist events, and
- other conduct that could reasonably be considered advocacy or participation.

H. Engage in sexual harassment, as defined by Minnesota Statutes, section 363A.03, subd. 43;

I. Commit misconduct of a public officer under MN Statutes sections 609.43;

J. Misuse of a peace officer's authority including

- the use or attempted use of one's position or authority as a peace officer to obtain a benefit, avoid a detriment or harm another; or
- exceeding the officer's authority in executing a search warrant or executing it with unnecessary severity under Minnesota Statutes 626.22;
- unnecessary and/or excessive use of force against a person in custody; and
- unnecessary and/or excessive use of force resulting in an injury requiring documented medical treatment.

K. be 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;

L. Fail to comply with the requirements of maintaining a peace officer license in part 6700.x; or

M. Violate a board required mandatory policy; *only if conflicts with professional conduct policy are resolved, otherwise may require board to address employment issues that do not rise to the level of licensure fitness*

Subpart 5. Disciplinary Actions. The board must revoke a license when the Board finds that a licensed peace officer has violated the critical standards listed here:

- A. a conviction or a stay of adjudication in any jurisdiction for any offense that would bar licensure under the minimum selection standards identified in part 6700.0700 Subp. 1 E.;¹⁰

¹⁰ **626.8432 REVOCATION; SUSPENSION; DENIAL.**

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

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

- (1) fraud or misrepresentation in obtaining a license;
- (2) failure to meet licensure requirements; or

- B. a conviction or a stay of adjudication in any jurisdiction for theft, prostitution, or controlled substance offenses;
- C. a conviction or a stay of adjudication in any jurisdiction for any offense that would constitute misconduct of a public officer or public employee as identified in MN Statutes section [609.43](#);
- D. a discharge from employment as a peace officer for any of the following reasons:
 - 1) Dishonesty;
 - 2) Sexual harassment or sexual assault;
 - 3) Discriminatory conduct;
 - 4) Excessive, unnecessary, or unlawful use of force;
 - 5) Violation(s) of board required mandatory policies; *ensure this doesn't conflict with sec. on mandatory policies*
 - 6) Conduct that meets the criteria of misconduct of a public officer under MN Statutes section [609.43](#); *note: this is covered under minimum selection standards, repeated here*
 - 7) Conduct that reduces public trust in the agency;
 - 8) intentional conduct performed under the color of office to:
 - a) Obtain a false confession;
 - b) Make false arrests;
 - c) Create or use falsified evidence, including false testimony, or to destroy evidence to create a false impression;
 - d) Compel, or attempt to compel a person to abstain from doing, or to do, any act that the person has a legal right to do or abstain from doing;
 - e) Deprive, or attempt to deprive, another person or persons of their legal rights;
 - f) Gain advantage for personal gain or for a law enforcement agency ;
 - g) Discriminate against a person based on the peace officer's perception of that person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, status with regard to public assistance, or any protected class as defined by state or federal law.

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

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

- 1) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the Board will proceed with review of the case pursuant to this rule.

(3) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

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

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

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

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

~~**Subp. 7. Emergency Suspension.** If the Board finds a serious danger to public health and safety based on an officer's conduct, the Board must issue an Emergency Suspension Order immediately suspending a peace officer's license. *Moved to 6700.1710 on discipline*~~

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

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

- A. ~~engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter, Minnesota Statutes, chapter 214, or sections [626.84](#) to [626.90](#), or engaging in conduct which violates any statute enforced by the board;~~
- B. ~~obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;~~
- C. ~~being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;~~
- D. ~~having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;~~
- E. ~~failing to report the revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary or adverse action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;~~
- F. ~~being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under Minnesota Statutes, section [152.18](#), or any similar law of another state or federal law;~~
- G. ~~being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Minnesota Statutes, section [243.166](#) or [243.167](#);~~
- H. ~~violating any order issued by the board;~~
- I. ~~practicing outside the scope of Minnesota Statutes, section [626.863](#);~~
- J. ~~making an intentional false statement or misrepresentation to the board;~~
- K. ~~engaging in sexual penetration or contact without consent, as defined in Minnesota Statutes, section [609.341](#), or engaging in conduct that violates Minnesota Statutes, section [617.23](#). Sexual contact does not include contact that is part of standard police procedure such as search and arrest;~~
- L. ~~being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, sections [169A.27](#); [518B.01](#), subdivision 14; [609.224](#); [609.2242](#); [609.23](#); [609.231](#); [609.342](#); [609.343](#); [609.344](#); [609.345](#); [609.3451](#); [609.43](#); [609.465](#); [609.466](#); [609.52](#); [609.53](#); [609.748](#), subdivision 6; or [626.557](#);~~

- M. failing to cooperate with an investigation of the board as required by part [6700.1610](#), subpart 4;
- N. engaging in sexual harassment, as defined by Minnesota Statutes, section [363A.03](#), subdivision 43;
- ~~O. using deadly force when not authorized by Minnesota Statutes, section [609.066](#); or~~
- P. being convicted of solicitation, inducement, or promotion of prostitution in violation of Minnesota Statutes, section [609.322](#), or any conviction under Minnesota Statutes, section [609.324](#), or being convicted of similar offenses in another state or federal jurisdiction.

~~6700.1700 COMPLAINT COMMITTEE.~~

Subpart 1. Definition. For the purpose of this part, "affected parties" means the complainant, the licensee who is subject to the complaint, and the chief law enforcement officer in the agency employing the officer who is a party to the complaint.

Subp. 2. [Repealed, 26 SR 181]

~~Subp. 3. Complaint committee membership.~~

~~The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint. At least two of these members shall be peace officers. The board chair shall appoint the complaint investigation committee and the chair.~~

~~Subp. 4. Complaint committee quorum.~~ *Do the board bylaws set the quorum?*

~~All three committee members must be present to act, and decisions of the committee shall be by majority vote.~~

~~6700.1710 DISCIPLINARY ACTIONS FOR VIOLATIONS OF ADMINISTRATIVE RULES.~~ **AMEND THIS SECTION**

The board may deny, revoke, or suspend a license; impose limitations or conditions, or censure or reprimand a peace officer for a violation of any rule the board is empowered to enforce. *Check with Revisor on organization - does 6700.1500 Subp 5 re mandatory revocations sit here or with standards?*

Subpart 1. Temporary restraining order.

In addition to any other remedy provided by law, the board may, acting through the complaint investigation committee and without a hearing, petition a district court for a temporary restraining order if the committee finds that the licensee has violated a rule that the board is empowered to enforce and continued practice by the licensee would create an imminent risk or harm to others.

Subp. 2. Grounds. ~~When grounds exist under any of the provisions set forth in this chapter, the board may take one or more of the following disciplinary actions:~~

- A. deny an application for a license;
- B. revoke the license;
- C. suspend the license;
- D. impose limitations on the licensee's ability to practice;
- E. impose conditions on the licensee; or
- F. censure or reprimand the licensee.

Subp. 2a. Certain Standards of Conduct. *If Revisor prefers to list the mandatory revocations here.....*

Subp. 3. Settlement agreement. *Is rule required to establish authority to issue a SACO?*

~~When grounds exist under the board's regulatory provisions, the executive director may enter into a settlement agreement with the regulated licensee for corrective action which may include requiring the regulated person:~~

- ~~A. to complete an educational course or activity;~~
- ~~B. to submit to the executive director a written protocol or reports designed to prevent future violations of the same kind;~~
- ~~C. to meet with the executive director or designee to discuss prevention of future violations;~~
- ~~D. to reimburse the board for its legal and investigative costs; and~~
- ~~E. to perform other action justified by the facts.~~

The listing of these measures in this subpart does not preclude the board from including the measure in any order for disciplinary action.

~~Subp. 4. **Reinstatement fee.**~~

~~Upon reinstating a license or granting an applicant's license, the board may, at its discretion, impose a reinstatement fee.~~

Subp. 5. Cease and desist order. *Unnecessary?*

The board may in its own name, acting through the complaint investigation committee, issue a cease and desist order to stop an **unlicensed?** person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under Minnesota Statutes, sections [14.57](#) to [14.62](#). The order shall be effective upon personal service or three days after mailing if served by mail. The board may also, in its own name, seek a temporary restraining order from the appropriate district court to stop an unlicensed person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce.

6700.17xx COMPLIANCE AUDITS – *not drafted*¹¹

~~**6700.2000 DEFINITIONS.**~~

~~**Subpart 1. Scope.**~~

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

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

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

¹¹ **626.8459 POST BOARD; COMPLIANCE REVIEWS REQUIRED.**

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

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

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

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

~~6700.2100 SCOPE.~~ The board recognizes the importance of the need for each agency and appointing authority to have and to use written procedures for the investigation and resolution of allegations of misconduct. The agency and appointing authority have the responsibility to impose the disciplinary sanctions they find appropriate for misconduct that occurs. Nothing in parts ~~6700.2000 to 6700.2600~~ shall be interpreted or is intended to authorize the board to approve, deny, or modify in any manner sanctions which ~~that~~ may or may not be imposed by the agency or appointing authority. **Statutory Authority:** MS s [626.843](#); [626.845](#)

6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES. AMEND THIS SECTION

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

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

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

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

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

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

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

6700.2500 DOCUMENTATION OF COMPLAINTS. AMEND THIS SECTION

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

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

6700.2600 PROCESSING OF COMPLAINTS. AMEND THIS SECTION

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

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

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

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

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

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

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

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

HF63 Spec Session 1 2021 219.6

Sec. 28. Minnesota Statutes 2020, section **626.8469**, is amended by adding a subdivision 219.7 to read:

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

219.9 **Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the
219.10 Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of
219.11 approved entities and training courses primarily focused on issues associated with persons
219.12 with dementia and Alzheimer's disease. To receive the board's approval, a training course
219.13 must:

- (1) have trainers with at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience;
- (2) cover techniques for responding to and issues associated with persons with dementia and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect; and
- (3) meet the crisis intervention and mental illness crisis training standards established in subdivision 1a.