

MINNESOTA CODE OF AGENCY RULES

RULES OF THE BOARD OF PEACE OFFICERS STANDARDS AND TRAINING

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BOARD OF PEACE OFFICERS STANDARDS AND TRAINING

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4 MCAR § 13.021 Introduction and scope. The Board of Peace Officer Standards and Training which operates pursuant to Minn. Stat. §§ 626.84-626.855, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers, part-time peace officers and constables in the State of Minnesota. The following rules are adopted pursuant to Minn. Stat. §§ 214.12, 626.843, and 626.845.

4 MCAR § 13.022 Definitions.

A. Applicability. For the purpose of 4 MCAR §§ 13.021-13.039, the words and phrases in this rule have the meanings given them, unless another intention clearly appears.

B. Agency. "Agency" means local or state law enforcement agency employing peace officers, part-time peace officers or constables.

C. Appointing authority. "Appointing authority" means the public official, board, commission, or other person or group of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers, part-time peace officers and constables.

D. Appointment. "Appointment" means an official declaration by an agency that it has engaged the services of a peace officer, part-time peace officer or constable, beginning on a specified date.

E. Basic course. "Basic course" means a course of study, including both academic and skills instruction as specified in 4 MCAR § 13.023 A., which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been approved by the board.

F. Board. "Board" means the Board of Peace Officer Standards and Training.

G. Certification. "Certification" means official acknowledgement by the board that a school meets all of the criteria listed in 4 MCAR § 13.023 and 13.024.

H. Chief law enforcement officer. "Chief law enforcement officer" means the highest ranking board licensed officer within an agency, or in the absence of one, the appointing authority.

I. Constable. "Constable" has the meaning given it in Minn. Stat. § 367.40, subd. 3.

J. Coordinator. "Coordinator" means an individual at each school who is recognized by the board and designated by the school to coordinate the basic course as taught at that school.

K. Eligible to be licensed. "Eligible to be licensed" means status of an

individual who has passed the academic and skills examinations or the reciprocity examination, but who has not yet secured employment as a law enforcement officer.

L. Executive director. "Executive director" means executive director of the board.

M. Firearms training course. "Firearms training course" means a firearms training course which includes instruction in the legal limitations on the use of deadly force, conducted by a person who has completed a board recognized firearms instructor course and who is licensed or eligible to be licensed by the board.

N. First aid course. "First aid course" means any of the following officially recognized courses:

1. Red Cross advanced first-aid;
2. Emergency medical technician; or
3. EMS first responder (crash injury management).

O. Guest lecturer. "Guest lecturer" means a person who is invited by the instructor to teach occasionally in a school or a board-approved course in continuing education.

P. Inactive licensed officer. "Inactive licensed officer" means an individual who holds a currently valid peace officer license issued by the board, but who is not currently employed by an agency.

Q. Instructor. "Instructor" means a person who is recognized as being qualified to teach in a school or board-approved continuing education course.

R. Part-time peace officer. "Part-time peace officer" has the meaning assigned to it in Minn. Stat. § 626.84 subd. 1, clause (f).

S. Peace officer. "Peace officer" has the meaning assigned to it in Minn. Stat. § 626.84, subd. 1, clause (c).

T. School. "School" means any institution certified by the board to offer academic instruction, skills instruction or both.

4 MCAR § 13.023 Basic Course.

A. Subject areas and skills instruction. The basic course minimally shall include the following subject areas:

1. Academic instruction in:
 - a. Administration of justice;
 - b. Minnesota Statutes;
 - c. Criminal law;
 - d. Human behavior;
 - e. Juvenile justice;
 - f. Law enforcement operations and procedures; and
 - g. First aid.

2. Skills instruction in:
 - a. Techniques of criminal investigation and testifying;
 - b. Patrol functions;
 - c. Traffic law enforcement;
 - d. Firearms;
 - e. Defensive tactics;
 - f. Emergency vehicle driving; and
 - g. Criminal justice information systems.

B. Waiver. Participation or continued instruction in a particular subject area enumerated in A. shall be waived by the coordinator upon satisfactory evidence of approved equivalent training.

C. Minimum requirements. All schools shall comply with the minimum requirements set forth in A.1. or 2. or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of A. are being met. Nothing in 4 MCAR §§ 13.021-13.039 shall preclude any school from enacting rules which establish standards of training above the minimum requirements set forth in A.

D. Learning objectives. Periodically the board may issue specific learning objectives applicable to the content of the basic course as outlined in A.

E. Participation requirement. All students shall be capable of complete participation in all basic course activities. Any student unable to physically or psychologically participate in all aspects of the basic course shall not be deemed as satisfactorily completing the basic course.

F. Coordinator duties. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the school. The coordinator shall notify the executive director of students who have successfully completed the school. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

G. Instructor requirements. All instructors who teach law enforcement courses in a school shall possess an associate degree or greater from an accredited institution of higher learning, or have professionally recognized training and experience to teach the assigned subject matter. This rule shall not preclude the use of guest lecturers.

4 MCAR § 13.024 Certification of schools.

A. Application. Upon filing a proper application, a school desiring certification shall be reviewed by the board. No certification will be issued unless the school files with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities, and has qualified instructors. Further, the coordinator shall file with the board such other relevant information as the board may

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require. Relevant information may include lesson plans and course outlines.

B. Provisional certification. Upon receipt of a properly filed application, the board shall grant provisional certification to a school until such time as an evaluation and inspection has been completed.

C. Certification. Not later than one year from the granting of provisional certification, the board shall grant or deny certification. Certification shall remain contingent upon periodic review by the board or by the executive director.

D. School disciplinary action. Failure of a school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the school:

1. Provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to 4 MCAR § 13.023 A.;

2. Filing with the board all information which the board requires;

3. Cooperation of the staff and faculty of a school with any board investigation relative to its certification status; and

4. Cooperation of the staff and faculty of a school with any board investigation of alleged misconduct by students, staff or faculty in the giving or taking of examinations, reports or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes:

- a. Cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat;

- b. Filing of a false report with the board in cases where the board has requested reports; or

- c. Obstructing a board investigation.

E. Sanctions. Sanctions for failure to comply with the requirements set forth in D. shall be one or more of the following:

1. A letter of censure to the coordinator of the school;

2. Formal or informal probation for the school; or

3. Suspension, revocation or non-renewal of certification of the school.

F. Disciplinary proceedings. Disciplinary proceedings under this rule shall be conducted pursuant to the Administrative Procedures Act, Minn. Stat. ch. 15, and the rules of the State Office of Administrative Hearings, 9 MCAR § § 2.201-2.222.

4 MCAR § 13.025 Peace officer pre-employment education.

A. Academic examination. Students who successfully complete a school that meets the minimum requirements set forth in 4 MCAR § 13.023 A.1. are eligible to take the academic examination.

B. Skills school. Students who pass the academic examination are eligible to apply for enrollment in a skills school. Upon successful completion of a skills school, a student is eligible to take the skills examination.

C. Eligibility for academic and skills examination. Students who successfully complete a school which meets the minimum requirements set forth in 4 MCAR § 13.023 A.1. and 2. are eligible to take both the academic and skills examinations.

D. Reciprocity licensing examination. Persons who successfully complete professionally recognized peace officer pre-employment education which the board has deemed comparable to the basic course are eligible to take the peace officer reciprocity licensing examination.

E. Peace officer licensing examination. Upon successful completion of the required peace officer licensing examination, a person is eligible for licensure as a peace officer for three years. If the person is not licensed after three years, the person may reinstate his eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices.

4 MCAR § 13.026 Licensing examinations.

A. Application. Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board prior to the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee as set forth in B.

B. Nonrefundable fee. A nonrefundable fee shall be paid to the board prior to taking the following licensing examinations:

1. Academic examination	\$12.50
2. Skills examination	\$12.50
3. Reciprocity examination	\$25.00
4. Peace officer license endorsement examination	\$12.50
5. Part-time peace officer licensing examination	\$12.50
6. Constable licensing examination	\$25.00

C. Retaking examination. A person who fails an examination will only be allowed to retake that examination two times, upon furnishing to the board a renewed written application and appropriate fee.

4 MCAR § 13.027 Minimum selection standards.

A. Selection standards. A person eligible to be licensed shall meet the following minimum selection standards prior to being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to B.

1. The applicant shall be a citizen of the United States.
2. The applicant shall possess a valid Minnesota driver's license; or in case of residency therein, a valid driver's license from a contiguous state; or eligibility to obtain either license.

3. The applicant shall complete a comprehensive written application.

4. The applicant shall submit to a thorough background search including searches by local, state and federal agencies, to disclose the existence of any criminal record or conduct which would adversely affect the performance by the applicant of peace officer duties.

5. The applicant shall not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

6. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded 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.

7. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that the applicant is free from any physical condition which might adversely affect the performance of peace officer duties.

8. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect the performance of peace officer duties.

9. 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.

10. 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.

B. Documentation. The chief law enforcement officer shall maintain documentation necessary to show completion of A.1.-10. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

C. Requirements. An appointing authority may require a peace officer to meet some or all of the foregoing standards prior to appointment.

D. More rigid standards. An appointing authority may require an applicant to meet more rigid standards than those prescribed in this rule.

4 MCAR § 13.028 Licensing of peace officers.

A. Appointee notification. The chief law enforcement officer shall notify the board of the 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 and date of birth, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed in 4 MCAR § 13.027.

B. Application procedures. If the appointee is not already a licensed peace officer, but is eligible to be licensed, the appointee shall apply to be licensed at the time of appointment. 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 D.

C. License certificate. The executive director shall issue a License certificate to an applicant who has complied with the requirements set forth in 4 MCAR § 13.027 A.1.-10. and B. of this rule and whose affirmations are consistent with the board's records. The period of the initial licensure shall be determined according to the initial letter of the licensee's surname, the date of expiration being determined by the provisions set forth in 4 MCAR § 13.030 A.

D. Licensing fee. The appropriate licensing fee is \$10 if the licensee is to be licensed for 30-36 months; \$6.66 if the licensee is to be licensed for at least 18 months but less than 30 months; and \$3.33 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months.

E. 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 it is suspended or revoked.

4 MCAR § 13.029 Continuing education.

A. Statement of purpose. Pursuant to the authority vested in it by Minn. Stat. § 214.12, the board has determined that a program of continuing education for peace officers and constables is necessary to promote and ensure their professional competence.

B. Continuing education and license renewal. No peace officer or constable license may be renewed unless the licensee or the licensee's appointing authority furnishes the board proof that the licensee has successfully completed board-approved continuing education as provided in 4 MCAR § 13.030 C.

C. Criteria for course approval. For the purpose of this rule, "course sponsor" means any agency, organization or person who provides continuing education courses and seeks board approval of these courses.

1. Prior to being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days prior to the commencement of the continuing education course.

2. No approval will be granted unless the course sponsor files with the board satisfactory proof that the course meets a law enforcement training need and that the course has reasonable training equipment and facilities available. Further, the course sponsor shall furnish the board with the lesson plans and instructor credentials for the course and such other relevant information as the board may require. Relevant information may include handout

material, attendance policy and evaluation.

3. No approval will be granted unless the course sponsor files all relevant information required by the board at least ten days prior to the commencement of the proposed course. A ten day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

4. Upon approval, the board shall issue a letter of approval to the course sponsor.

5. Instructors who teach in continuing education courses shall possess:

a. Professionally recognized training and experience in the assigned subject area; and

b. Board-recognized instructor training or specialized academic preparation in the assigned subject area, including but not limited to psychology, law and forensic pathology.

6. Guest lecturers shall have their lesson planning and classroom activities supervised by an individual who has completed board-recognized instructor training.

7. Approval of continuing education courses shall be based upon relevance to the knowledge, skills and abilities needed to be a peace officer or constable.

8. The board will approve the course for continuing education credit hours based on each contact hour of proposed training. A contact hour shall consist of no less than one 50-minute class session.

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

D. Mandatory courses. The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this rule shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

E. Learning objectives. The board may issue specific learning objectives applicable to the content of continuing education courses.

F. Review. All continuing education courses are subject to periodic review and evaluation by the board.

G. Inactive licensed officer. An inactive licensed officer is eligible to attend continuing education courses. Priority may be given to active licensees.

H. Record-keeping. A list of licensees who successfully complete an approved continuing education course shall be maintained by the course sponsor and a copy transmitted to the board within ten days of the close of the course. The list shall be submitted on forms provided by the board and shall include the license number of each officer. Successful completion of the course shall be determined by the course sponsor.

I. Instructor credit. Peace officers or constables may earn up to one-half

of their required continuing education credits for instructing in approved continuing education courses. The peace officer or constable may earn two hours of continuing education credit for each hour of instruction.

J. Credit for courses not directly approved by the board.

1. Peace officers or constables may request continuing education credit for courses which were not directly approved by the board provided the course was not denied approval, the licensee can show proof that the course was law enforcement related, and can prove successful completion of the course. Application for credit must be submitted on forms provided by the board. Continuing education credit will be granted according to C.7.-8.

2. College credit. Continuing education credit may be granted for courses completed at accredited colleges and universities according to C.7., and credit shall be granted with one semester credit equalling 15 continuing education credits and one quarter credit equalling ten continuing education credits.

K. Instances in which credit shall not be granted. No continuing education credit will be granted for courses which consist solely of television viewing, correspondence work or self-study. Video, motion picture or sound tape presentation may be used provided a qualified instructor is in attendance at all presentations to comment and answer questions.

L. Endorsements.

1. The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills and abilities needed to perform specialized law enforcement functions.

2. Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement.

3. Approval of license endorsement courses shall be according to C.1.-9.

4. Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

5. The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

4 MCAR § 13.030 License renewal.

A. Renewal. Peace officer licenses issued by the board pursuant to 4 MCAR § 13.028 are valid until they expire according to the provisions of that rule, are revoked, or are surrendered by the licensee. Constable licenses issued by the board pursuant to 4 MCAR § 13.032 are valid until they expire according to the provisions of that rule, are revoked, or are surrendered by the licensee. Part-time peace officer licenses issued by the board pursuant to 4 MCAR § 13.031 are valid until they expire, are revoked, or are surrendered by the licensee.

1. The licenses of licensees whose surnames begin with the letters A through G are due for renewal on July 1, 1983 and on July 1 every third year thereafter.

2. The licenses of licensees whose surnames begin with the letters H

through M are due for renewal on July 1, 1984 and on July 1 every third year thereafter.

3. The licenses of licensees whose surnames begin with the letters N through Z are due for renewal on July 1, 1982 and on July 1 every third year thereafter.

B. Application. The board shall require a written application for renewal of licenses.

C. 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.

1. The appropriate fees are:

- a. \$10 for renewal of a peace officer license;
- b. \$5 for renewal of a part-time peace officer license; and
- c. \$10 for renewal of a constable license.

2. The required hours of continuing education are:

- a. No hours for any part-time peace officer or for a peace officer or constable who has been licensed for less than six months;
- b. Sixteen hours for a peace officer or constable who has been licensed for at least six months but less than 18 months, no more than two of which consist of on-line shooting;
- c. Thirty-two hours for a peace officer or constable who has been licensed for at least 18 months but less than 30 months, no more than four of which consist of on-line shooting; and
- d. Forty-eight hours for a peace officer or constable who has been licensed for at least 30 months, no more than six of which consist of on-line shooting.

D. Change of name. When a licensee's surname is changed by reason of marriage or a judicial order, the date of expiration of the licensee's license shall change in accordance with the initial letter of the licensee's new surname. The licensee shall pay a proportional added fee if the new date of expiration is later than it would have been, but the licensee will receive a proportional refund if the new date of expiration is earlier than it would have been.

4 MCAR § 13.031 Licensing of part-time peace officers.

A. Scope and purpose. In view of the Legislature's stated policy on part-time peace officers in Minn. Stat. § 626.8461 and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished

at the local level.

B. Notification of appointment of part-time peace officer. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. If the appointee is not already licensed, the appointee shall apply for a provisional license on a form provided by the board.

C. Minimum selection standards. The provisionally licensed part-time peace officer shall meet at least the minimum selection standards for part-time peace officers within six months of the initial appointment, unless the board grants an extension pursuant to Minn. Stat. § 626.8463, clause (a). The minimum selection standards for a part-time peace officer are as provided in 1.-3.

1. The part-time peace officer must not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota. To determine this, the applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded 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.

2. A licensed physician or surgeon shall make a thorough medical examination of the part-time peace officer to determine if the officer is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

3. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. First aid and firearms. The provisionally licensed part-time peace officer shall successfully complete a first aid course and a firearms training course within 12 months of the initial appointment.

E. Documentation. The appointing authority may certify that the provisionally licensed part-time peace officer has already completed certain of these standards but the certification must be documented pursuant to G.

F. Notification of compliance. Notification of compliance with C. and D. shall be furnished by the chief law enforcement officer on forms provided by the board. The notification shall be submitted within five working days of the respective deadlines. The provisional license shall expire if the provisionally licensed part-time peace officer has not complied within the time allowed.

G. Availability of documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with C. and D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

H. Expiration of license. The provisionally licensed part-time peace officer is eligible to take the licensing test for part-time peace officers upon completion of the requirements specified in C. and D. The provisional license expires 24 months after the initial appointment if the provisionally licensed part-time peace officer has not passed the part-time peace officer licensing examination, or if the provisionally licensed part-time peace officer has received a peace officer license.

I. Issuance of license. The executive director shall issue a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR § 13.030 A. The appropriate licensing fee is \$5 if the license is valid for at least 30 months but less than 36 months; \$3.33 if it is valid for at least 18 months but less than 30 months; and \$1.66 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

J. Inactive status of part-time peace officer license.

1. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include:

- a. Name of licensee;
- b. Licensee's forwarding address unless the licensee requests that this information not be divulged; and
- c. Date of termination.

2. An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he meets the requirements of 4 MCAR § 13.030 C.

3. Inactive status. An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in C.1.-3. An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in C.1.-3. prior to his first day of employment.

K. Inapplicability. This rule does not apply to peace officers who are employed on a part-time basis.

4 MCAR § 13.032 Constables.

A. Board notification. The appointing authority shall notify the board in writing before an individual appointed or elected to the position of constable assumes any duties in law enforcement. If the individual is not already licensed, he shall apply for a provisional license on a form provided by the board.

B. Requirements. The provisionally licensed constable shall meet the

requirements set forth in 4 MCAR § 13.031 C.-D.

C. Certification. The appointing authority may certify that the provisionally licensed constable has already completed certain of these standards but such certification must be documented pursuant to E.

D. Notification of compliance. Notification of compliance with 4 MCAR § 13.031 C. and D. shall be furnished by the appointing authority on forms provided by the board. Notification shall be submitted within five working days of the respective deadlines. The provisional license expires if the provisionally licensed constable has not complied within the time allowed.

E. Documentation. The appointing authority shall maintain the documentation necessary to show compliance with 4 MCAR § 13.031 C. and D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

F. Constable licensing examination. The provisionally licensed constable shall be eligible to take the constable licensing examination upon completion of the requirements specified in 4 MCAR § 13.031 C. and D. The provisional license expires 24 months after the initial election or appointment if the provisionally licensed constable has not passed the constable licensing examination or if the provisionally licensed constable has received a peace officer license.

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR § 13.030 A. The appropriate licensing fee is \$10 if the license is valid for at least 30 months but less than 36 months; \$6.66 if it is valid for at least 18 months but less than 30 months, and \$3.33 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. Inactive status of constable license.

1. The appointing authority shall notify the board within ten days of all voluntary or involuntary terminations of a constable. Notification shall include:

- a. Name of licensee;
- b. Licensee's forwarding address unless the licensee requests that this information not be divulged; and
- c. Date of termination.

2. An individual possessing a constable license may maintain the license in an inactive status provided that the individual meets the requirements of 4 MCAR § 13.030 C.

3. An individual who is appointed or elected to the position of constable within one year of the date the individual's license was placed on inactive status may not be required to comply with selection standards outlined in

4 MCAR § 13.031 C.1.-3. An individual who is appointed or elected as a constable more than one year after the date the individual's license was placed on inactive status shall be required to comply with selection standards outlined in 4 MCAR § 13.031 C.1.-3. prior to the individual's first day of employment.

I. Inapplicability. This rule does not apply to a peace officer who is elected or appointed to the position of constable.

4 MCAR § 13.033 Transition from part-time peace officer to peace officer.

A. Purpose. To meet the mandates of Laws of 1981, ch. 310, the board is hereby promulgating rules to provide a system whereby part-time peace officers may, upon fulfilling certain conditions and requirements, obtain peace officer licenses.

B. Eligibility. An appointing authority may, by formal declaration to the board, state its intention to have any part-time peace officer in its employ be eligible for peace officer licensing, subject to the following restrictions:

1. The individual named in this declaration must be a part-time peace officer who has worked 1040 hours as a part-time peace officer since the date the individual was licensed, pursuant to 4 MCAR § 13.031 I.; and

2. The individual shall complete all selection standards as outlined in 4 MCAR § 13.027 before the declaration is submitted to the board.

C. Declaration of intent.

1. The declaration of intent shall demonstrate a compelling need for having an agency's part-time peace officer or officers become peace officers.

2. The declaration must be in the form of a formal resolution made by the appointing authority. The board shall be provided with a copy of the resolution and the minutes of the meeting at which it was made. These documents shall be submitted to the board within ten days of the effective date of the resolution.

D. Removal of hour restriction.

1. The 20-hour per week limit perscribed by Minn. Stat. § 626.84, subd. 1., clause (f) for a part-time peace officer will be waived in accordance with Minn. Stat. § 626.84, subd. 1, clause (f) only after the board has formally approved the declaration submitted by the appointing authority. The 20-hour per week restriction may thereafter be waived at the discretion of the appointing authority for a period not to exceed one year. This one year limit may be extended only for compelling reasons, subject to board review and approval. No individual may have the hour restriction removed a second time if the individual fails to obtain a peace officer license within one year from the date the board approved the agency's declaration of intent to have the individual become a peace officer. Waiver of the hour restriction may only be effected in a single agency in cases where the officer works for more than one department. An individual working for more than one agency whose hourly restriction has been waived in one of these agencies shall still be bound to the 20-hour a week limit in all other agencies for which the individual works.

2. Upon acceptance by the board, the officer is exempted from the

limitation on the number of hours that may be worked. The officer is subject to all other part-time peace officer requirements as outlined in Minn. Stat. §§ 626.8464 and 626.8465.

E. Specialized training school. Any part-time peace officer who has been formally designated by the appointing authority to seek peace officer licensing through the provisions of this rule and who has met all of the requirements stated herein, is eligible to attend a specialized training school pursuant to Minn. Stat. §§ 626.843, subd. 1, clause (g) and 626.845, subd. 1 clause (g), that meets the requirements set forth in 4 MCAR § 13.023 A.1. Upon successful completion of the specialized training school, an individual will be eligible to take the academic examination.

F. Skills school. Part-time peace officers who have successfully completed the academic examination are eligible to attend the skills school. Upon successful completion of the skills school, a part-time peace officer is eligible to take the skills examination.

G. Eligibility for licensing. Part-time peace officers who have successfully completed the skills examination are eligible to be licensed.

4 MCAR § 13.034 Inactive status of peace officer licenses.

A. Termination. The chief law enforcement officer shall notify the board within ten days of all voluntary and involuntary termination of peace officers. The notification shall include:

1. Name of licensee;
2. Licensee's forwarding address, unless licensee requests that this information not be divulged; and
3. Date of termination.

B. Inactive status. An individual possessing a peace officer license may maintain the license in an inactive status, provided the individual meets the requirements of 4 MCAR § 13.030 C.

C. Selection standards. An individual who is appointed to a law enforcement position within one year of the date the individual's license was placed on inactive status shall not be required to comply with selection standards outlined in 4 MCAR § 13.027 A.1.-10. An individual who is appointed to a law enforcement position more than one year after the date that individual's license was placed on inactive status shall be required to comply with selection standards as outlined in 4 MCAR § 13.027 A.1.-10., prior to his first day of employment.

4 MCAR § 13.035 Scope of standards of conduct.

A. Authority. This rule is adopted pursuant to Minn. Stat. §§ 626.843, subd. 1, clause (e), 626.845, subd. 1, clause (i), and ch. 214.

B. Scope. Nothing in 4 MCAR §§ 13.021-13.039 shall preclude or prevent

any agency, political subdivision, civil service commission or other appointing authority from publishing and enforcing rules, policies or procedures which are more comprehensive than those minimum statewide standards set forth hereinafter. The responsibility for enforcing any rules, policies or procedures which are more comprehensive than the following minimum standards of conduct remains with the promulgating agency, political subdivision, commission or appointing authority.

C. Statement of purpose. The board believes that in order for the public to have confidence in the integrity and ability of the 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.

4 MCAR § 13.036 Standards of conduct. Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension or nonrenewal of license:

A. The conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

B. The use of deadly force when not authorized by Minn. Stat. § 609.066;

C. The making of any false material statement under oath to the board which the peace officer does not believe to be true;

D. The making of any false material statement to the board while obtaining or renewing a license;

E. Failure to comply with the board's continuing education requirements as set forth in 4 MCAR § 13.030 C.;

F. Failure to pay the appropriate license renewal fee;

G. Any violation of a board rule set for in 4 MCAR §§ 13.021-13.039; or

H. Any obstruction, hindrance, interference or prevention of the execution of 4 MCAR § 13.037.

4 MCAR § 13.037 Complaint processing. For the purpose of this rule, "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.

A. Scope. This rule shall constitute the code for regulating the management and processing of complaints concerning allegations of misconduct of all licensees. To the extent the terms of this rule are inconsistent with any

other rules or agreements, the terms of this rule shall be controlling.

B. 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 chairman shall appoint the complaint investigation committee and the chairman.

C. Complaint committee quorum. All three committee members must be present to act and decisions of the committee shall be by majority vote.

D. Initial hearing. After any written complaint concerning the conduct of a licensee is received by the executive director of the board or his designee, a meeting of the committee shall be convened within a reasonable time.

1. Reasonable notice of the time, place and date of the meeting shall be given to the affected parties. The notice shall also state the nature of the complaint and advise those notified that they may attend the meeting and have a reasonable opportunity to address the committee. The notice shall advise the affected parties of any staff recommendations concerning the complaint and the purpose of the meeting.

2. After review of the evidence the committee shall take one of the following actions and shall inform the affected parties of the committee's decision:

- a. The committee may refer the complainant to another state or local agency which has jurisdiction over the subject matter of the complaint;

- b. The committee may find no arguable violation of a rule or statute which the board is empowered to enforce has occurred;

- c. The committee may find an arguable violation of a rule or statute which the board is empowered to enforce has occurred. If the committee so finds, it shall also determine the appropriate agency to investigate the matter or, if the matter has been adequately investigated, it may refer the matter to the board for further action; or

- d. The committee may continue this matter.

E. Investigation. If the committee finds a possible violation has occurred, it shall refer the matter to the executive director who shall consult with the agency designated to investigate the complaint.

1. If the executive director finds that the appropriate agency has investigated the allegations in the complaint, the executive director shall obtain the information pursuant to Minn. Stat. § 214.10, subd. 5, and present it to the committee.

2. If the executive director finds that the appropriate agency has not investigated the allegations or has not provided the requested information, the executive director shall order the appropriate agency to conduct an investigation and provide its findings within 30 days. By majority vote, the committee may grant the agency a 15-day extension, subject to renewal upon request and approval of the majority of the committee members.

F. Second hearing. After the executive director receives the information, he shall call a meeting of the committee. The purpose of the meeting shall be

to determine whether further board action is warranted.

1. Reasonable notice of the time, place and date of the meeting shall be given to the affected parties. The notice shall advise those affected parties that they may attend the meeting and have a reasonable opportunity to address the committee. It shall also advise the affected parties that the purpose of the meeting is solely to determine whether further board action is warranted.

2. After review of the evidence, the committee shall take one of the following actions and shall inform the affected parties of the committee's action:

- a. The committee may find that no further board action is warranted;
- b. The committee may find that further board action is warranted; or
- c. The committee may continue the matter.

G. Appeals. Any member of the committee who has voted against any decision of the committee may appeal that decision to the full board by means of the following procedures:

1. The committee member bringing the appeal shall immediately inform the committee of the member's intention to do so and action of the committee's decision shall be stayed pending the outcome of the appeal;

2. The affected parties shall be promptly notified of the decision to appeal;

3. The board shall hear the appeal at the next regularly scheduled board meeting;

4. The appeal shall be on the record of the proceedings of the committee;

5. The committee member appealing the decision shall be given reasonable opportunity to present oral or written argument, or both, to the board;

6. The other committee members shall be given a reasonable opportunity to present oral or written argument, or both to the board;

7. Committee members may vote on the issue under appeal; or

8. If a majority of the board members present reverse the decision of the committee, the matter will be remanded to the committee for action consistent with the reversal. In all other cases, the stay of action will be revoked and the matter will be remanded to the committee for further action.

H. Settlement. If a matter is referred to the executive director after a determination has been made that further board action is warranted, the executive director shall attempt to resolve the grievance or rectify improper activity through education, conference, conciliation and persuasion of the appropriate parties. The executive director shall present a written report to the board of the result of his attempt in this regard.

I. Review by the board.

1. The affected parties shall be given reasonable notice of the board meeting at which the board will review the report of the executive director.

2. The board shall review the report of the executive director and based on this report and the total record shall by the absolute majority of the board membership take one of the following actions:

- a. The board may order an administrative hearing as provided by law;
- b. The board may enter into a settlement agreement or compromise

with the licensee. Violation of the terms of any such settlement may be grounds for additional board action;

c. The board may decide no further action is necessary; or

d. The board may continue this matter.

3. The board shall provide notice to the affected parties of the board's decision.

J. License hearings.

1. Administrative license hearings shall be conducted in the manner prescribed by the contested case procedures mandated by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9 MCAR §§ 2.201-2.222, the rules of the Office of Administrative Hearings.

2. After receipt of the report of the hearing examiner, the board chairman shall convene a special meeting of the full board.

3. Before the board votes to take action concerning a license it shall provide a reasonable opportunity to be heard and comment upon the report of the hearing examiner. This hearing shall be public. It shall be recorded.

4. The board shall take one of the following actions:

a. Order a re-hearing;

b. Revoke the officer's license;

c. Suspend the officer's license;

d. Enter a settlement agreement or compromise with the officer.

Violations of the terms of the settlement may be grounds for further board action;

e. Reprimand the licensee; or

f. Take no further action.

5. Any of the actions listed in 4.a.-f. require a decision by an absolute majority of the board.

6. The affected parties shall be sent written notice of the decision and the reasons for the decision.

4 MCAR § 13.038 Reimbursement to local units of government.

A. Annual reimbursement. Pursuant to Laws of 1981, ch. 341, § 1, the board shall provide annual reimbursement to help defray the costs that have been incurred by local units of government in making continuing education available to the peace officers or constables, or both, employed by them; provided, however, that the board's program of reimbursement is contingent upon the continued availability of funds designated for that purpose.

B. Equal shares of funds. Equal shares of the available funds shall be disbursed to the local units for each peace officer or constable who:

1. Has been employed the same local unit during at least eight of the 12 months immediately preceding the local unit's application for reimbursement; and

2. Has had at least 16 hours of board-approved continuing education made available to the constable or peace officer by the local unit during those 12 months.

C. Part-time peace officer shares. A share may be awarded when a peace

officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

D. Application forms. The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. The board shall also provide a list of the peace officer or constables, or both, who, according to the board's records, were employed by the local unit as of July 1. When applying for reimbursement, a local unit shall affirm that it is eligible to be reimbursed in accordance with the board's list, or that a correction should be made and the amount of reimbursement should be adjusted in accordance with the correction.

E. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 45 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

F. Further information. The executive director may require such further information or documentation as may be necessary to substantiate a correction in the number of shares to be credited to an applicant for reimbursement. If the same peace officer or constable is claimed by more than one applicant, the executive director shall determine which applicant is eligible for the share. This determination shall be made by documented statements of hours worked. Reimbursement funds shall be disbursed to the county, municipal, or township treasurer as soon as possible after approval of the application and computation of the amount per share to be awarded to each applicant.

4 MCAR § 13.039 Reimbursement to institutions providing skills training. For the purpose of this rule, a "board approved course in law enforcement skills training" means a skills school.

A. Reimbursement. Pursuant to Laws of 1981, ch. 341, § 1, the board shall provide reimbursement to institutions conducting board-approved courses in law enforcement skills training; provided, however, that the reimbursement program shall be conditional upon the continued availability of funds designated for this purpose.

B. Academic and skills program. No reimbursement shall be awarded to a combined academic and skills program.

C. Student awards. Equal shares shall be awarded for each student successfully completing the board's skills licensing examination between July 1 and June 30 of a given fiscal year.

D. Application for reimbursement. Application shall be made through a written request signed by the coordinator of a skills course. The application shall state the names of the students for whom reimbursement is being sought.

E. Application approval. The executive director shall approve each appli-

cation upon verification that the named students have successfully completed the skills licensing test within the period prescribed in C. Payment shall be made to the skills school.

Repealer. Rules 4 MCAR §§ 13.001-13.020 are repealed.