

6700.0670 BACKGROUND INVESTIGATION.**Subpart 1. Applicants.**

A. Each applicant for employment as a peace officer must provide a personal history statement to the agency when the agency initiates a background investigation. The statement must include:

- (1) background information on the topics addressed in subpart 2;
- (2) a list of current and former names or aliases used by the applicant;
- (3) a complete list of all law enforcement agencies the applicant has applied to in the previous six years;
- (4) a signed declaration attesting 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;
- (5) a signed release allowing background investigation information to be shared with the board and with other law enforcement agencies on request; and
- (6) any additional information the applicant wishes to include.

B. Each applicant must consent to, disclose, and facilitate a review of social media accounts, platforms, and groups in which the applicant has participated to the extent permitted by law. An applicant is not required to provide login information.

C. Each applicant who is currently or previously licensed as a peace officer must authorize the release to the employing law enforcement agency and board of the applicant's personnel data, including disciplinary, termination, civil or criminal investigation, and other records or information that are directly related to minimum selection requirements for licensure.

D. Each applicant who is currently or previously licensed as a peace officer must disclose any disciplinary or court findings, of which the applicant has personal knowledge, that find the applicant to have engaged in:

- (1) abuse of police authority;
- (2) bias against a protected class;
- (3) felony criminal conviction or finding of guilt;
- (4) conviction or finding of guilt for a crime of dishonesty;
- (5) an act or statement of dishonesty;
- (6) mishandling of evidence or property;
- (7) undisclosed or improper inducements to witnesses or suspects;
- (8) unreasonable or excessive use of force;

- (9) unauthorized access to or unlawful misuse of government data; or
- (10) conduct that resulted in a Brady-Giglio disclosure by a prosecuting authority.

Nothing in this subpart prevents the applicant from providing additional or contextual information on the reported conduct.

Subp. 2. Requirements for background investigation.

A. Before employing an unlicensed or licensed applicant in a peace officer position, the law enforcement agency must complete a background investigation on the applicant that meets the requirements of this part, except as stated in item B. A background investigation is valid for six months after completion. If the applicant is not hired during the six months, the background investigation must be updated before a final offer of employment to the applicant. In compliance with Minnesota Statutes, section 363A.08, subdivision 4, paragraph (a), clause (1), the background investigation may not be conducted by anyone, including the chief law enforcement officer, involved in the selection of applicants for a peace officer position. Nothing in this chapter precludes an agency from performing a more stringent background check. A background investigation must address the following elements:

- (1) United States citizenship status or verification that the applicant is eligible to work in the United States under federal requirements;
- (2) criminal history and arrests identified by means of electronic data transfer, criminal records, histories, and warrant information through state and federal systems;
- (3) Minnesota Department of Public Safety, Division of Driver and Vehicle Services records and other states' driving records as applicable;
- (4) use of alcohol, controlled substances, and intoxicating substances;
- (5) discriminatory conduct as defined in part 6700.0100;
- (6) education verification;
- (7) employment history;
- (8) military history verification;
- (9) personal and professional references, such as friends, associates, family members, and neighbors;
- (10) personal interview. Personal interviews may occur before, during, and after the investigation and may be used to discuss, among other topics, any arrest or conviction records and any discrepancies or concerns raised in the investigation;
- (11) residential history;
- (12) records checks, such as open sources or social media, and financial information, as permitted by law; and

(13) inquiry to the local prosecuting authority and law enforcement agencies in any jurisdiction in which the applicant has served as a peace officer as to whether the prosecuting authority or law enforcement agency has any knowledge of conduct, records, investigations, or disciplinary or court findings related to the applicant that involves:

- (a) abuse of police authority;
- (b) bias against protected class;
- (c) felony criminal conviction or finding of guilt;
- (d) conviction or finding of guilt for a crime of dishonesty;
- (e) mishandling of evidence or property;
- (f) undisclosed or improper inducements to witnesses or suspects;
- (g) unauthorized, unreasonable, or excessive use of force;
- (h) unauthorized access to or unlawful misuse of government data; or
- (i) other conduct which required a Brady-Giglio disclosure by a prosecuting authority.

B. An agency may choose to limit the scope of the background investigation to a criminal history check and a driving records check when:

- (1) the position being filled is for a seasonal or temporary position; and
- (2) the applicant remains currently employed in Minnesota as a peace officer by a different agency as verified in writing by the current employing agency.

C. Results of the background investigation must be retained by the law enforcement agency for the duration of any resulting employment. If the applicant is not employed by the agency, the background investigation must be retained for six years or as required by the agency's retention schedule, whichever is longer.

Subp. 3. Chief law enforcement officer.

A. The chief law enforcement officer must notify the board as soon as possible but no later than ten days after the date that:

- (1) a background investigation is initiated, giving the applicant's full name, date of birth, and peace officer license number, if applicable; and
- (2) a background investigation identifies:
 - (a) a disqualification under the minimum selection standards in part 6700.0700, identifying the disqualification or disqualifications; and
 - (b) for a licensed peace officer:

- i. a disqualification under the minimum selection standards in part 6700.0700, even if the officer is exempt under part 6700.0700, subpart 1a; and
- ii. any conduct that would be a violation of standards of conduct under this chapter.

A chief law enforcement officer's report to the board required under this part must comply with United States Code, title 28, section 20.33.

B. When an applicant who is a currently licensed peace officer is identified through a background investigation as having a disqualifying offense, the board must notify each law enforcement agency employing that officer.

Statutory Authority: *MS s 626.843*

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