

CHAPTER 6700**BOARD OF PEACE OFFICER STANDARDS AND TRAINING
TRAINING AND LICENSING****TRAINING AND LICENSING**

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POLICE PURSUITS

TRAINING AND LICENSING

6700.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the terms in this part have the meanings given them, unless another intention clearly appears.

Subp. 2. **Agency.** "Agency" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (f).

Subp. 3. **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 and part-time peace officers.

Subp. 4. **Appointment.** "Appointment" means the official declaration provided by the agency to the POST Board which indicates that the agency has engaged the services of a peace officer or part-time peace officer beginning on a specified date.

Subp. 5. [Repealed, 14 SR 12]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. **Board or POST Board.** "Board" or "POST Board" means the Board of Peace Officer Standards and Training.

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. **Chief law enforcement officer.** "Chief law enforcement officer" means the designated head and the highest ranking board-licensed peace officer within an agency.

Subp. 9. [Repealed, 14 SR 12]

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 sentence 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.

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage the day-to-day activities of the professional peace officer education program.

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.

Subp. 12. **Executive director.** "Executive director" means executive director of the board.

Subp. 12a. **Felony.** "Felony" means a crime punishable by more than one year in prison.

Subp. 13. [Repealed, 18 SR 1961]

Subp. 14. [Repealed, L 2005 c 10 art 1 s 82]

Subp. 15. **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.

Subp. 16. **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.

Subp. 17. **Instructor.** "Instructor" means a person who is recognized as being qualified to teach in a school or board-approved continuing education course.

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (d).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic 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. 21. [Repealed, 18 SR 1961]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** "Classroom discrimination" means oral, written, graphic, or physical conduct directed against any person or group of persons because of their race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, disability, or veteran's status that has the purpose or reasonably foreseeable effect of demeaning or intimidating that person or group of persons.

Subp. 26. **Discriminatory conduct.** "Discriminatory conduct" means a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the actor's perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, or public assistance or any other protected class as defined in Minnesota statutes or federal law; and would lead an objectively reasonable person to doubt the actor's ability to perform the duties of a peace officer in a fair and impartial manner. Membership in a religious organization as a lawful exercise of the freedom of religion is not discriminatory conduct.

Subp. 27. **Seasonal position.** "Seasonal position" means a position which is necessary due to recurring seasonal fluctuations in staffing needs and does not exceed 16 consecutive weeks in duration.

Subp. 28. **Temporary position.** "Temporary position" means a short term of employment that may not exceed 300 hours with a designated end date of six months or less.

Subp. 29. **Hate or extremist group.** "Hate or extremist group" means a group that, as demonstrated by its official statements or principles, the statements of its leaders or members, or its activities:

A. promotes the use of threats, force, violence, or criminal activity:

(1) against a local, state, or federal entity, or the officials of such an entity;

(2) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota or United States Constitution; or

(3) to achieve goals that are political, religious, discriminatory, or ideological in nature;

B. promotes seditious activities; or

C. advocates for differences in the right to vote, speak, assemble, travel, or maintain citizenship based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance status, or any protected class as defined in Minnesota statutes or federal law.

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

History: *11 SR 2337; 14 SR 12; 18 SR 1961; L 2005 c 10 art 1 s 82; 32 SR 2173; 47 SR 1120*

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6700.0200 STATUTORY AUTHORITY.

The Board of Peace Officer Standards and Training, which operates pursuant to Minnesota Statutes, sections 626.84 to 626.863, is authorized to adopt rules and standards relating to the selection, training, and licensing of peace officers and part-time peace officers in Minnesota. The following rules are adopted pursuant to Minnesota Statutes, sections 214.12, 626.843, and 626.863.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961; L 1997 c 7 art 1 s 169*

Published Electronically: *July 9, 2008*

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

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 D.

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

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6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. All applications for certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Minnesota Office of Higher Education.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

A. 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 in addition to the requirements for a renewal application every five years as provided by item C.

B. Before a certified school offers any course from the professional peace officer education program at another site not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved.

C. By May 1, 1990, and every five years after that, the board must send a renewal application form to all certified schools. This application form must request information regarding the criteria contained in subpart 1. The coordinator must file the completed application with the board by November 1 of the year the application form was received. All applications for renewal of certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Minnesota Office of Higher Education. Upon review of the properly filed application form, the board shall renew the school's certification for another five years, if the board finds that the requirements of subpart 1 have been met. If a certified school does not comply with the requirements of this subpart, the school's certification will be deemed to have expired and the school will be required to reapply for certification under the procedures in subparts 1 and 2.

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

- A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;
- B. filing with the board all information which the board requires;
- C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;
- D. cooperation of the staff and faculty of a certified 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 cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with the board; or obstructing a board investigation; and
- E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

Subp. 6. **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, parts 1400.5100 to 1400.8400.

Statutory Authority: *MS s 626.843; 626.845*

History: *14 SR 12; 18 SR 1961; L 1995 c 212 art 3 s 59; 26 SR 181; L 2005 c 107 art 2 s 60*

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6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school 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 by which complaints will be investigated;
 - C. the sanctions that may be imposed if a complaint is sustained;
 - D. the appeal process for the offending party;
 - E. the process that will be used to notify the complainant of the investigation and disposition;
- and
- F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

Subp. 3. **Complaints.** Complaints which allege classroom discrimination at a certified school must be processed according to the written procedures adopted by the certified school required in subpart 1.

Statutory Authority: *MS s 626.843; 626.845*

History: *14 SR 12*

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6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. [Repealed, 14 SR 12]

Subp. 2. [Repealed, 14 SR 12]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, are eligible to take the peace officer licensing examination. An application must include an official certified transcript showing the completion of a postsecondary degree and the coordinator's signature attesting to the student's successful completion of professional peace officer education.

Subp. 4. [Repealed, 11 SR 2337]

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; 626.843; 626.845*

History: *11 SR 2337; 14 SR 12; 18 SR 1961*

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6700.0501 RECIPROCITY LICENSING EXAMINATION.

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*

History: *11 SR 2337; 14 SR 12; 30 SR 903*

Published Electronically: *July 9, 2008*

6700.0600 LICENSING EXAMINATIONS.

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*

History: *14 SR 12; 18 SR 1961; 22 SR 1449; 40 SR 568; 44 SR 353*

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6700.0601 EXAMINATION STANDARDS.

Subpart 1. **Grounds for denial.** 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. failing to meet the minimum selection standards for licensure as a peace officer under part 6700.0700.

Subp. 2. [Repealed, 47 SR 1120]

Subp. 3. [Repealed, 47 SR 1120]

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845; 626.8462 to 626.863*

History: *11 SR 2337; L 1990 c 422 s 10; 18 SR 1961; 25 SR 1242; 47 SR 1120*

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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*

History: *47 SR 1120*

Published Electronically: *July 26, 2023*

6700.0675 PSYCHOLOGICAL SCREENING.

A. A pre-employment psychological screening of an applicant for a peace officer position 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 responsibilities of a peace officer and the pre-employment psychological screening criteria established by the law enforcement agency;
- (2) an in-person or virtual interview conducted by the psychologist;
- (3) to the extent possible as determined by the psychologist, an evaluation of the applicant's history of discriminatory conduct as defined in part 6700.0100; and
- (4) a written report provided by the psychologist in the manner requested by the law enforcement agency that addresses the psychological demands of a peace officer's responsibilities and an evaluation of any emotional or mental condition that might adversely affect the performance of the duties as a peace officer, including discriminatory conduct.

B. The psychological screening must conform to the standards of the Americans with Disabilities Act.

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

D. The psychologist's written report on the psychological screening must be retained by the agency for the duration of any resulting employment. If the applicant is not employed by the agency, the report must be retained for six years or as required by the agency's retention schedule, whichever is longer.

E. An agency may choose not to complete a psychological screening of the applicant 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.

F. Psychological screenings initiated before June 1, 2023, are not subject to the requirements of this part.

Statutory Authority: *MS s 626.843*

History: *47 SR 1120*

Published Electronically: *July 26, 2023*

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** An applicant identified by the board as eligible to be licensed or a peace officer currently licensed in Minnesota may apply for a peace officer position with a law enforcement agency. Prior to employment, the law enforcement agency must establish and document that the following minimum selection standards are met by the applicant. The applicant must:

A. be a citizen of the United States or eligible to work in the United States under federal requirements;

B. possess a valid Minnesota driver's license or, when residing in another state, a valid driver's license from that state;

C. provide a complete personal history using a form provided by the law enforcement agency and submit to a thorough background investigation conducted by the agency that meets the requirements of part 6700.0670;

D. not been convicted of:

(1) a felony in Minnesota or an offense in another jurisdiction that would be a felony if committed in Minnesota;

(2) a felony in another jurisdiction, unless the felony has been expunged, set aside, or pardoned, or the person's civil rights have been restored and expressly provides for the possession of a firearm; and

(3) any of the following nonfelony offenses or the equivalent in another jurisdiction:

(a) gross misdemeanor assault in the fifth degree under Minnesota Statutes, section 609.224;

(b) bias crimes, including assaults motivated by bias under Minnesota Statutes, section 609.2231, subdivision 4, and criminal damage to property under Minnesota Statutes, section 609.595, subdivision 2, paragraph (b);

(c) domestic assault under Minnesota Statutes, section 609.2242;

(d) violation of a domestic abuse no contact order under Minnesota Statutes, section 629.75, subdivision 2;

(e) violation of an order for protection under Minnesota Statutes, section 518B.01, subdivision 14;

(f) harassment or stalking under Minnesota Statutes, section 609.749;

(g) violation of a harassment restraining order under Minnesota Statutes, section 609.748, subdivision 6;

(h) sexual extortion under Minnesota Statutes, section 609.3458;

(i) criminal sexual conduct under Minnesota Statutes, sections 609.341 to 609.3451;

(j) indecent exposure under Minnesota Statutes, section 617.23;

(k) any mistreatment of a vulnerable adult, including under Minnesota Statutes, sections 609.2231; 609.231; 609.2325; 609.233; 609.2335; 609.234; and 609.72, subdivision 3;

- (l) patrons of prostitution under Minnesota Statutes, section 609.324, subdivision 2;
 - (m) making false claims for profit to a public body or officer under Minnesota Statutes, section 609.465;
 - (n) attempting medical assistance fraud under Minnesota Statutes, section 609.466;
 - (o) theft under Minnesota Statutes, section 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 under Minnesota Statutes, section 609.78, subdivision 2, clause (1);
 - (q) nonconsensual dissemination of private sexual images under Minnesota Statutes, section 617.261;
 - (r) interference with privacy under Minnesota Statutes, section 609.746;
 - (s) malicious punishment of a child under Minnesota Statutes, section 609.377;
 - (t) mistreating animals under Minnesota Statutes, section 343.21;
 - (u) misconduct of a public officer or public employee under Minnesota Statutes, section 609.43;
 - (v) narcotics or controlled substance law, excluding any nonfelony marijuana offenses; and
 - (w) been required at any point in time to be registered as a predatory offender under Minnesota Statutes, section 243.166 or 243.167, or required to register as a sex offender in any other state at any point in time;
- E. not be listed on the National Decertification Index or have had a law enforcement license, certification, or authorization to serve as a law enforcement officer in any jurisdiction revoked or rescinded;
- F. be free of discriminatory conduct;
- G. have no record of conduct described in part 6700.1600, subpart 1, items H and I, with:
- (1) a hate or extremist group as defined in part 6700.0100, subpart 29; or
 - (2) a criminal gang as defined in Minnesota Statutes, section 609.229, subdivision 1;
- H. be fingerprinted, and the fingerprints must be forwarded by the agency to the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The results of the fingerprint check must be maintained in the background investigation report;
- I. be free from any physical condition that would adversely affect the performance of peace officer duties, as established through an exam by a licensed medical professional;

J. have passed a psychological screening that meets the requirements of part 6700.0675; and

K. have completed training equivalent to or exceeding the requirements for emergency medical responder registration under Minnesota Statutes, section 144E.27, subdivision 2, or to be completed within the first six months of employment.

Subp. 1a. **Exempt officers.** An officer with a current active or current inactive license on June 1, 2023, is exempt, as applied to conduct that occurred before June 1, 2023, from minimum selection requirements under items A and B, unless that license was inactive for a period of more than 12 consecutive months at any time after June 1, 2023:

A. subpart 1, item D, subitem (3), units (b), (d) to (j), and (p) to (u); and

B. subpart 1, items E, F, G, and K.

Subp. 1b. **Exempt unlicensed applicants.** Unlicensed applicants who enrolled in a professional peace officer education program or an agency cadet or training program prior to January 1, 2023, and completed the program and passed the licensing exam before December 31, 2028, are exempt from the following minimum selection requirements for conduct that occurred prior to January 1, 2023, when applying for a law enforcement position:

A. subpart 1, item D, subitem (3), units (b), (d) to (j), and (p) to (u); and

B. subpart 1, items E, F, G, and K.

Subp. 2. **Documentation.** The chief law enforcement officer must ensure that documentation necessary to show compliance with subpart 1 is 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. The documentation is subject to periodic review by the board, and must be made available to the board at its request.

Subp. 3. [Repealed, 18 SR 1961]

Subp. 4. **More rigid standards.** A law enforcement agency may require its applicants to meet more rigid standards than those prescribed in this part.

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

History: *11 SR 2337; 14 SR 12; 18 SR 1961; 25 SR 1242; 26 SR 209; 30 SR 903; 47 SR 1120*

Published Electronically: *July 26, 2023*

6700.0701 [Repealed, 47 SR 1120]

Published Electronically: *July 26, 2023*

6700.0800 LICENSING OF PEACE OFFICERS.

Subpart 1. **Board appointees; 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, 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 by the board.

Subp. 2. **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 subpart 4.

Subp. 3. **License certificate.** The executive director shall issue a license certificate to an applicant who 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.

Statutory Authority: *MS s 14.06; 14.22 to 14.28; 16A.128; 214.06; 626.843; 626.845; 626.863*

History: *8 SR 2774; 18 SR 1961; 22 SR 1449; 44 SR 353*

Published Electronically: *September 11, 2019*

6700.0900 CONTINUING EDUCATION.

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. A sponsor that seeks to receive continuing education course approval shall submit a completed application on a form provided by the board.

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. 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.

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. 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.

Subp. 6. **Review.** All continuing education courses are subject to periodic review by the board. The sponsor shall cooperate with the board's review.

Subp. 6a. **Course statement.** The designee of the sponsor shall 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 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 by contacting (insert appropriate name and contact information)."

Subp. 7. **Inactive licensed officer.** An inactive licensed officer is eligible to attend continuing education courses.

Subp. 8. **Record keeping.** A list of licensees who successfully complete an approved continuing education course shall be maintained by the sponsor. Successful completion of the course shall be determined by the sponsor.

Subp. 9. **Instructor credit.** 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.** Peace officers may receive continuing education credit for a course that was not approved by the board provided the course was not denied approval, the licensee can show proof the course meets the requirements of subpart 3, item B, and can prove successful completion of the course.

Continuing education credit may be granted for courses completed at accredited colleges and universities if the course meets the requirements of subpart 3, item B. Credit shall be granted with one semester credit equaling 15 continuing education credits and one quarter credit equaling ten continuing education 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 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: *MS s 16A.128; 214.06; 214.12; 626.84 to 626.863; 626.843; 626.863*

History: *9 SR 2701; 14 SR 12; 18 SR 1961; 26 SR 181; 32 SR 2173; 44 SR 353*

Published Electronically: *September 11, 2019*

6700.0901 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this part, the following words and phrases have the meanings given.

Subp. 2. **Accreditation.** "Accreditation" means a sponsor that has received authority from the board to approve courses the sponsor provides for continuing education credit.

Subp. 2a. **Accredited sponsor.** "Accredited sponsor" means a school, agency, individual, or organization that has received authority granted by the board to self-approve courses the sponsor provides for continuing education credit.

Subp. 3. [Repealed, 32 SR 2173]

Subp. 4. **Sponsor.** "Sponsor" means a school, agency, individual, or organization that has received authority from the board to provide board-approved courses for continuing education credit.

Subp. 5. **Disciplinary action.** "Disciplinary action" means one or more of the following sanctions: letter of censure to the sponsor, probation of the sponsor, denial of approval of other courses for a specified amount of time, or suspension or revocation of the accreditation.

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

History: *11 SR 2337; 32 SR 2173*

Published Electronically: *July 9, 2008*

6700.0902 ACCREDITATION.

Subpart 1. [Repealed, 32 SR 2173]

Subp. 1a. **Purpose.** The board believes sponsors who provide peace officer continuing education play a vital role in ensuring professional competence. The board recognizes a sponsor demonstrates competency by providing courses that are law enforcement related, promote professional job-related competence, and meet a law enforcement educational need. The board further believes if a sponsor has proven competency and is in good standing with the board, the sponsor can apply to become an accredited sponsor.

Subp. 2. [Repealed, 32 SR 2173]

Subp. 2a. **Criteria to become an accredited sponsor.** For the purpose of this part, "accreditation" means a sponsor who provides continuing education courses and seeks accreditation from the board.

A. A sponsor that seeks accreditation shall submit a completed application on a form provided by the board.

B. No approval will be granted unless the sponsor has submitted and received continuing education course approval from the board over a two-year period, and the board has not taken disciplinary action against them.

C. No approval will be granted unless the sponsor's courses are law enforcement related, based on the knowledge, skills, and abilities needed to be a peace officer, and meet a law enforcement educational need.

D. No approval will be granted unless the sponsor submits information required by the board. Required information includes instructional objectives, course curriculum, facilities/learning resources, classroom discrimination policy, and agreement the course statement shall be read according to subpart 9.

E. Upon receipt of a completed application, the board shall issue a letter within 30 days granting or denying accreditation.

F. 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.

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

H. The course will be approved for continuing education credit hours based on each hour of proposed training. An hour consists of 50 minutes of learning activities.

Subp. 3. [Repealed, 32 SR 2173]

Subp. 4. [Repealed, 32 SR 2173]

Subp. 4a. **Evaluation.** Accredited sponsors shall be evaluated by the board a minimum of once every five years to ensure compliance. Accredited sponsors may be evaluated at intervals less than once every five years. Accredited sponsors shall cooperate with the board's evaluation.

Subp. 5. [Repealed, 32 SR 2173]

Subp. 6. [Repealed, 32 SR 2173]

Subp. 7. [Repealed, 32 SR 2173]

Subp. 8. **Documentation.** The accredited sponsor shall retain copies of information required by the board. Required information includes learning goals, specific performance objectives, timeline showing a breakdown of hours, course outline of each major unit of instruction, instructor qualifications, and instructor evaluations.

The documentation must be maintained for five years or until evaluated by the board and shall be made available to the board upon request.

Subp. 9. **Course statements.** The designee of the accredited sponsor shall read aloud the following statement at the beginning of each class:

"The (name of the accredited sponsor) is a continuing education accredited 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 accredited sponsor of this course has a written policy for the investigation and resolution of 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 accredited sponsor by contacting (insert appropriate name and contact information)."

Subp. 10. **Disciplinary action.** The board may take disciplinary action against an accredited sponsor that:

- A. violates the 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. 10a. **Sanctions.** Disciplinary action for violation of subpart 10 consists of one or more of the following: a letter of censure to the accredited sponsor, probation of the accredited sponsor, denial of approval of other courses for a specified period of time, or suspension or revocation of the accreditation.

Subp. 11. **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.

Subp. 12. **Classroom discrimination; procedures.** Every accredited sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

- A. the person to whom the 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. 13. **Copy of procedures.** The accredited sponsor must make the written procedures required in subpart 12 available to all faculty, instructors, administrative staff, and to anyone else upon request.

Subp. 14. **Complaints.** Complaints that allege classroom discrimination during a course must be processed according to the written procedures required in subpart 12 by the accredited sponsor.

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

History: *11 SR 2337; 14 SR 12; L 1990 c 422 s 10; 32 SR 2173*

Published Electronically: *July 9, 2008*

6700.1000 LICENSE RENEWAL.

Subpart 1. **Validity of licenses and renewal dates.** Peace officer licenses issued by the board under part 6700.0800 are valid until they expire, are revoked, or are surrendered by the licensee. Part-time peace officer licenses issued by the board pursuant to part 6700.1101 are valid as long as they 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, part-time peace officer licenses are automatically canceled 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. **Application.** The board shall require an application for renewal of licenses.

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.

Statutory Authority: *MS s 14.06; 16A.128; 214.06; 214.12; 626.84 to 626.863; 626.843; 626.863*

History: *8 SR 2774; 9 SR 2701; 14 SR 12; 18 SR 1961; 20 SR 828; 22 SR 1449; 26 SR 181; 27 SR 1866; 40 SR 568; 44 SR 353*

Published Electronically: *September 11, 2019*

6700.1100 [Repealed, 10 SR 354; 14 SR 12]

Published Electronically: *July 9, 2008*

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. **Scope and purpose.** In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 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.

Subp. 2. **Minimum selection and training standards.** An applicant for a part-time peace officer position shall meet the following minimum selection and training standards set forth in Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must affirm that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant 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. 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 felony conviction is discovered.

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

C. 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. The applicant for a part-time peace officer position shall successfully complete a first aid course and a firearms training course.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. [Repealed, 44 SR 353]

Subp. 5. [Repealed, L 2014 c 244 s 3]

Subp. 6. [Repealed, L 2014 c 244 s 3]

Subp. 7. [Repealed, 44 SR 353]

Subp. 8. **Inapplicability.** This part does not apply to peace officers who are employed on a part-time basis.

Statutory Authority: *MS s 14.06; 214.06; 214.10; 214.12; 626.843; 626.845; 626.863*

History: 10 SR 354; 11 SR 2337; 18 SR 1961; 22 SR 1449; 26 SR 181; L 2014 c 244 s 3; 40 SR 568; 44 SR 353

Published Electronically: December 17, 2019

6700.1105 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 6700.1105 to 6700.1130, the terms in this part have the meanings given them.

Subp. 2. **Active duty status.** "Active duty status" means the part-time peace officer is authorized by agency policy to act as an agent of the appointing authority with power of arrest and authority to carry a firearm.

Subp. 3. **Designated peace officer.** "Designated peace officer" means the peace officer appointed by the chief law enforcement officer or designee and responsible for the supervision of the part-time peace officer.

Subp. 4. **Hours worked.** "Hours worked" means the actual numbers of hours served while the part-time peace officer is on active duty status.

Subp. 5. **Supervision of part-time peace officer.** "Supervision of part-time peace officer" means the part-time peace officer and the designated peace officer are aware of their respective identities, the part-time peace officer has the ability to directly contact the designated peace officer, and the part-time or designated peace officer can achieve direct personal contact within a reasonable time.

Statutory Authority: MS s 626.843

History: 18 SR 1961

Published Electronically: July 9, 2008

6700.1110 SUPERVISION OF PART-TIME PEACE OFFICER.

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

Subp. 2. **Agency using part-time peace officer.** An agency which appoints, employs, or otherwise uses the services of a part-time peace officer shall establish a written policy including at least:

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

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

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

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

Subp. 3. **Agency providing supervision for part-time peace officer.** An agency which designates a peace officer to supervise a part-time peace officer shall establish a written policy including at least:

A. how the designated peace officer is to be notified of the designated peace officer's responsibility for assuming supervision of a part-time peace officer;

B. the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer;

C. the means by which the part-time peace officer is to notify the designated peace officer that the part-time peace officer is on active duty status; and

D. the means by which the designated peace officer is to be notified when the part-time peace officer is no longer on active duty status.

Subp. 4. **Supervision of part-time peace officer by designated peace officer in different agency.** An agency which agrees to designate a peace officer for the supervision of a part-time peace officer who is not employed by the same agency as the designated peace officer shall establish at a minimum:

A. all policies required under part 6700.1105, subpart 2;

B. all policies required under part 6700.1110; and

C. a written joint powers agreement which confers upon the designated peace officer full power and authority within the jurisdiction of the part-time peace officer to be supervised.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

Published Electronically: *July 9, 2008*

6700.1115 HOURS WORKED BY PART-TIME PEACE OFFICER.

Subpart 1. **Limitation.** A part-time peace officer must not work more than 1,040 hours on active duty status during the calendar year.

Subp. 2. **Documentation.** A part-time peace officer shall record all active duty hours worked, on a form provided by the board, for each agency by whom the part-time peace officer is appointed. The part-time peace officer shall record the date, time, and total hours of active duty. The part-time peace officer shall also record the name of the agency for whom the hours were worked, and the name of the designated peace officer assigned for each shift or time entry on the log.

Subp. 3. **Reporting.** On the last day of every month, the part-time peace officer shall provide the chief law enforcement officer of each agency by whom the part-time peace officer is employed

written notice of the total number of hours worked for all agencies. The notice shall be provided on a form provided by the board.

Subp. 4. **Record retention.** The part-time peace officer shall keep and maintain copies of active duty reporting forms for five years and shall make the forms available to the board upon request.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

Published Electronically: *July 9, 2008*

6700.1120 [Repealed, 26 SR 181]

Published Electronically: *July 9, 2008*

6700.1125 POLICY DISTRIBUTION.

Copies of policies required under parts 6700.1105 to 6700.1130 must be provided to all part-time peace officers before they are authorized to exercise part-time peace officer authority on behalf of a unit of government. Copies of these policies shall also be distributed to all designated peace officers.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

Published Electronically: *July 9, 2008*

6700.1130 TERMINATION OF PART-TIME PEACE OFFICERS.

An agency which terminates a part-time peace officer for any reason shall notify the part-time peace officer in writing of the termination and provide a copy of this notice to the board within ten days of the termination.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

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6700.1200 [Repealed, 10 SR 354; 14 SR 12]

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6700.1201 [Repealed, 14 SR 12]

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6700.1300 Subpart 1. [Repealed, L 2005 c 10 art 1 s 82]

Subp. 2. [Repealed, L 2005 c 10 art 1 s 82]

Subp. 3. [Repealed, L 2005 c 10 art 1 s 82]

Subp. 4. [Repealed, L 2005 c 10 art 1 s 82]

Subp. 5. [Repealed, 18 SR 1961]

Subp. 6. [Repealed, 18 SR 1961]

Subp. 7. [Repealed, 18 SR 1961]

Subp. 8. [Repealed, L 2005 c 10 art 1 s 82]

Published Electronically: *July 9, 2008*

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 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. [Repealed, 47 SR 1120]

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

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845*

History: *11 SR 2337; 17 SR 1279; 18 SR 1961; 11 SR 2337; 17 SR 1279; 18 SR 1961*

Published Electronically: *July 26, 2023*

6700.1500 [Repealed, 47 SR 1120]

Published Electronically: *July 26, 2023*

6700.1600 STANDARDS OF CONDUCT.

Subpart 1. **Standards.** The board may impose disciplinary action as described in part 6700.1710 or Minnesota Statutes, section 626.8432, subdivision 1, paragraph (a), based on a violation of one or more of the standards of conduct. It is a violation of standards of conduct to:

A. engage in:

(1) any offense identified in part 6700.0700, subpart 1, item D, regardless of whether or not the conduct results in criminal charges;

(2) theft, prostitution, or controlled substance offenses;

(3) conduct identified as a gross misdemeanor in Minnesota;

(4) sexual harassment, as defined by Minnesota Statutes, section 363A.03, subdivision

43;

- (5) obstructing legal process;
 - (6) fleeing by means other than a vehicle;
 - (7) carrying a pistol while under the influence of alcohol, a controlled substance, or an intoxicating substance; or
 - (8) driving while under the influence of alcohol, a controlled substance, or an intoxicating substance;
- B. falsify or knowingly provide false information to the board, a law enforcement agency, or a court;
- C. intentionally:
- (1) mishandle evidence or property;
 - (2) make undisclosed or improper inducements to witnesses or suspects; or
 - (3) gain unauthorized access to or unlawfully misuse government data;
- D. cheat or attempt to subvert the examination or licensing process;
- E. regarding use of force:
- (1) fail to intercede when observing another licensee using force beyond that which is objectively reasonable as required under Minnesota Statutes, section 626.8475;
 - (2) fail to report in writing within 24 hours to the chief law enforcement officer any use of force violations by another employee or peace officer as required under Minnesota Statutes, section 626.8475; or
 - (3) engage in unreasonable or excessive use of force, unauthorized use of force, or unauthorized use of deadly force;
- F. fail to:
- (1) report crimes of bias or alleged crimes of bias as required under Minnesota Statutes, section 626.5531;
 - (2) report the licensee's arrest or criminal charge, or any violation of standards of conduct to the board and the officer's chief law enforcement officer within ten days;
 - (3) cooperate with a board investigation; or
 - (4) comply with any other requirement in this chapter or Minnesota statutes for peace officers;
- G. misuse a peace officer's authority by:
- (1) 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;

(2) committing misconduct under Minnesota Statutes, section 609.43; or

(3) maliciously procuring a search warrant, exceeding the officer's authority in executing a search warrant, or executing a search warrant with unnecessary severity under Minnesota Statutes, section 626.22;

H. engage in discriminatory conduct;

I. join, support, advocate for, maintain membership in, or participate in the activities of a hate or extremist group as defined in part 6700.0100, subpart 29, or a criminal gang as defined in Minnesota Statutes, section 609.229, subdivision 1, as demonstrated by:

(1) dissemination of material that promotes:

(a) the use of threats, force, violence, or criminal activity as described in part 6700.0100, subpart 29, item A;

(b) seditious activities; or

(c) the goals described in part 6700.0100, subpart 29, item C;

(2) engagement in cyber or social media posts, chats, forums, and other forms of promotion of the group's activities;

(3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated with the group;

(4) direct financial or in-kind contributions to the group;

(5) a physical or cyber presence in the group's events; or

(6) other conduct that could reasonably be considered support, advocacy, or participation in the group's activities;

J. 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; or

K. engage in conduct prohibited by or listed as grounds for disciplinary action in this chapter or Minnesota Statutes, chapter 214, or engaging in conduct which violates any statute enforced by the board.

A violation under item I does not apply when the conduct is sanctioned by the law enforcement agency as part of the officer's official duties.

Subp. 2. **Incapacitation.** The license of a peace officer may be suspended or revoked by the board when the officer has been adjudicated by a court in any jurisdiction 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.

Subp. 3. **Prior conduct.** Conduct of law enforcement officers that occurred before June 1, 2023, is subject to standards of conduct in effect at the time the conduct occurred.

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

History: *9 SR 2701; 11 SR 2337; 18 SR 1961; 20 SR 828; 30 SR 903; L 2013 c 62 s 32; 44 SR 353; 47 SR 1120*

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6700.1610 REPORTING OBLIGATIONS AND COOPERATION.

Subpart 1. **Reporting conduct violation.** An unlicensed person with knowledge of conduct constituting grounds for action under Minnesota Statutes, chapter 214, or the board's regulatory provisions in part 6700.1600 may report the violation to the board.

Subp. 2. **Licensee reporting requirement.** A licensee must report to the board and chief law enforcement officer any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board's regulatory provisions.

Subp. 3. **Report submittal requirement.** Reports required by this part must be submitted no later than ten days after learning of the reportable event.

Subp. 4. **Cooperation by licensee.** A licensee who is the subject of an investigation, or who is questioned in connection with an investigation, must cooperate fully with the investigation. Cooperating includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation, providing copies of records in the licensee's possession relating to matters under investigation, assisting the board in its investigation which includes executing releases for records as requested by the board, and appearing at conferences or hearings scheduled by the board.

Statutory Authority: *MS s 626.843*

History: *20 SR 828; 47 SR 1120*

Published Electronically: *July 26, 2023*

6700.1615 REQUIRED AGENCY POLICIES.

Subpart 1. **Required policy.** The chief law enforcement officer must ensure that the agency adopts, implements, and enforces the required policies listed in items A and B.

A. Each agency must adopt, implement, and enforce policies listed below that are based on the board's model policy. An agency may incorporate additional agency specific requirements or more stringent requirements in its adopted policy, but must include the identical or substantially similar provisions of the board's model policy. The board is not responsible for enforcing any agency specific provisions of a required policy:

- (1) use of force policy;

- (2) eyewitness identification procedures policy;
- (3) officer conduct complaint policy;
- (4) professional conduct of officers policy;
- (5) domestic abuse policy;
- (6) racial profiling policy;
- (7) investigation of sexual assault policy;
- (8) public assembly-first amendment activity policy;
- (9) missing and endangered persons policy;
- (10) community notification of predatory offender policy;
- (11) vehicle pursuit and emergency vehicle operations policy;
- (12) criminal conduct on school buses policy;
- (13) lighting exemption of law enforcement vehicles policy;
- (14) administrative forfeiture policy;
- (15) supervision of part-time licensed peace officers policy, applicable only if the agency employs a part-time officer under Minnesota Statutes, section 626.8468; and
- (16) any other required agency policy as established by the legislature or the board addressing critical public safety and law enforcement procedures.

B. Each agency must adopt and implement a policy as listed below if the agency uses that equipment or device. The agency policy must include any requirements identified in statute:

- (1) automated license plate reader policy, applicable only if plate readers are used by the agency under Minnesota Statutes, section 626.8472;
- (2) portable recording systems adoption policy, applicable only if the agency uses applicable recording systems under Minnesota Statutes, section 626.8473; and
- (3) use of unmanned aerial vehicles policy, applicable only if the agency uses drones or other applicable aerial devices under Minnesota Statutes, section 626.19.

Subp. 2. **Chief law enforcement officer.** The chief law enforcement officer must ensure that:

A. the current version of each required policy is posted on the law enforcement agency's website. If the agency does not have a website, the policy must be posted in the public area of the agency's physical premises;

B. a copy of the current version of each required policy is provided on request by an individual or organization;

C. a copy of the current version of each required policy is provided to each peace officer employed by the agency;

D. each required policy is reviewed at least annually with each officer;

E. the agency's adopted policy is enforced at all levels of the agency;

F. violations of a required policy are reported to the board; and

G. the policy and training compliance form provided by the board is completed and submitted to the board no later than March 1 of each year.

Statutory Authority: *MS s 626.843*

History: *47 SR 1120*

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6700.1700 Subpart 1. [Repealed, 47 SR 1120]

Subp. 2. [Repealed, 26 SR 181]

Subp. 3. [Repealed, 47 SR 1120]

Subp. 4. [Repealed, 47 SR 1120]

Subp. 5. [Repealed, 26 SR 181]

Subp. 6. [Repealed, 26 SR 181]

Subp. 7. [Repealed, 26 SR 181]

Subp. 8. [Repealed, 26 SR 181]

Subp. 9. [Repealed, 26 SR 181]

Subp. 10. [Repealed, 26 SR 181]

Subp. 11. [Repealed, 26 SR 181]

Published Electronically: *July 26, 2023*

6700.1710 DISCIPLINARY ACTIONS FOR VIOLATIONS OF ADMINISTRATIVE RULES.

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. 3. **Settlement agreement.** 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.** 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.

Statutory Authority: *MS s 626.843*

History: *20 SR 828*

Published Electronically: *July 9, 2008*

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

Subpart 1. **Annual reimbursement.** Pursuant to Laws of Minnesota 1981, chapter 341, section 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 employed

by them; provided, however, that the board's program of reimbursement is contingent upon the continued availability of funds designated for that purpose.

Subp. 2. **Equal shares of funds.** Equal shares of the available funds shall be disbursed to the local units for each peace officer who:

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

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

Subp. 3. **Share for peace officers working part time.** 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.

Subp. 4. **Application forms.** The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. When applying for reimbursement, a local unit shall provide a list of the peace officers together with their license numbers for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's rules.

Subp. 5. **Signing of application forms.** Application forms shall be signed by the chief law enforcement officer. The forms shall be submitted to the executive director within 30 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

Subp. 6. **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 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 applications and computation of the amount per share to be awarded to each applicant.

Statutory Authority: *MS s 16A.128; 214.06; 214.12; 626.843; 626.845; 626.86*

History: *9 SR 2701; 18 SR 1961*

Published Electronically: *July 9, 2008*

6700.1900 [Repealed, 26 SR 181]

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INVESTIGATION AND RESOLUTION OF MISCONDUCT ALLEGATIONS

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*

History: *8 SR 2145*

Published Electronically: *July 9, 2008*

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 may or may not be imposed by the agency or appointing authority.

Statutory Authority: *MS s 626.843; 626.845*

History: *8 SR 2145*

Published Electronically: *July 9, 2008*

6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES.

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

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

Statutory Authority: *MS s 626.843; 626.845*

History: *8 SR 2145; 17 SR 1279*

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6700.2300 AFFIRMATION OF COMPLIANCE.

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*

History: *8 SR 2145*

Published Electronically: *July 9, 2008*

6700.2400 COPIES OF PROCEDURES.

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*

History: *8 SR 2145*

Published Electronically: *July 9, 2008*

6700.2500 DOCUMENTATION OF COMPLAINTS.

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*

History: *8 SR 2145; 17 SR 1279*

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6700.2600 PROCESSING OF COMPLAINTS.

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.

Statutory Authority: *MS s 626.843; 626.845*

History: 8 SR 2145

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POLICE PURSUITS

6700.2700 [Repealed, 47 SR 1120]

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6700.2701 [Repealed, 47 SR 1120]

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6700.2702 [Repealed, 47 SR 1120]

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6700.2703 [Repealed, 47 SR 1120]

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6700.2704 [Repealed, 47 SR 1120]

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