

4 MCAR 13

2-2-82

1 Rules as Adopted

2 Rules of Peace Officer Standards and Training Board

3 Governing the Selection, Training and Licensing

4 of Peace Officers and Constables

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1 4 MCAR S 13.021 Introduction and scope. The Board of Peace
2 Officer Standards and Training which operates pursuant to Minn.
3 Stat. SS 626.84-626.855, is authorized to promulgate rules and
4 standards relating to the selection, training and licensing of
5 peace officers, part-time peace officers and constables in the
6 State of Minnesota. The following rules are adopted pursuant to
7 Minn. Stat. SS 214.12, 626.843, and 626.845.

8 4 MCAR S 13.022 Definitions.

9 A. Applicability. For the purpose of 4 MCAR SS
10 13.021-13.039, the words and phrases in this rule have the
11 meanings given them, unless another intention clearly appears.

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

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

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

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

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

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

35 H. Chief law enforcement officer. "Chief law enforcement

1 officer" means the highest ranking board licensed officer within
2 an agency, or in the absence of one, the appointing authority.

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

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

8 K. Eligible to be licensed. "Eligible to be licensed" means
9 status of an individual who has passed the academic and skills
10 examinations or the reciprocity examination, but who has not yet
11 secured employment as a law enforcement officer.

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

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

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

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

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

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

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

35 R. Part-time peace officer. "Part-time peace officer" has
36 the meaning assigned to it in Minn. Stat. S 626.84, subd. 1,

1 clause (f).

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

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

6 4 MCAR S 13.023 Basic course.

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

9 1. Academic instruction in:

- 10 a. Administration of justice;
- 11 b. Minnesota Statutes;
- 12 c. Criminal law;
- 13 d. Human behavior;
- 14 e. Juvenile justice;
- 15 f. Law enforcement operations and procedures; and
- 16 g. First aid.

17 2. Skills instruction in:

- 18 a. Techniques of criminal investigation and testifying;
- 19 b. Patrol functions;
- 20 c. Traffic law enforcement;
- 21 d. Firearms;
- 22 e. Defensive tactics;
- 23 f. Emergency vehicle driving; and
- 24 g. Criminal justice information systems.

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

29 C. Minimum requirements. All schools shall comply with the
30 minimum requirements set forth in A.1. or 2. or both and shall
31 furnish reasonable and necessary proof to the board to verify
32 that the provisions of A. are being met. Nothing in 4 MCAR SS
33 13.021-13.039 shall preclude any school from enacting rules
34 which establish standards of training above the minimum
35 requirements set forth in A.

36 D. Learning objectives. Periodically the board may issue

1 specific learning objectives applicable to the content of the
2 basic course as outlined in A.

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

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

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

23 4 MCAR S 13.024 Certification of schools.

24 A. Application. Upon filing a proper application, a school
25 desiring certification shall be reviewed by the board. No
26 certification will be issued unless the school files with the
27 board satisfactory proof that the school will offer courses
28 meeting the prescribed learning objectives, has reasonable
29 training equipment and facilities, and has qualified
30 instructors. Further, the coordinator shall file with the board
31 such other relevant information as the board may require.
32 Relevant information may include lesson plans and course
33 outlines.

34 B. Provisional certification. Upon receipt of a properly
35 filed application, the board shall grant provisional
36 certification to a school until such time as an on-site

1 evaluation and inspection has been completed.

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

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

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

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

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

18 4. Cooperation of the staff and faculty of a school with
19 any board investigation of alleged misconduct by students, staff
20 or faculty in the giving or taking of examinations, reports or
21 investigations required by the board. The staff and faculty
22 shall report any misconduct which is discovered to the board.
23 For purposes of this requirement, the term "misconduct" includes
24 ~~, but is not limited to:~~

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

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

29 c. Obstructing a board investigation.

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

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

34 2. Formal or informal probation for the school; or

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

1 F. Disciplinary proceedings. Disciplinary proceedings under
 2 this rule shall be conducted pursuant to the Administrative
 3 Procedures Act, Minn. Stat. ch. 15, and the rules of the State
 4 Office of Administrative Hearings, 9 MCAR SS ~~2-101~~ 2.201-2.222.

5 4 MCAR S 13.025 Peace officer pre-employment education.

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

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

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

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

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

30 4 MCAR S 13.026 Licensing examinations.

31 A. Application. Licensing examinations will be offered at
 32 least four times each year. The board shall establish the
 33 examination schedules. An applicant for any of the licensing
 34 examinations shall submit a written application on a form
 35 provided by the board prior to the date of the examination. An

1 application shall be accompanied by the appropriate
2 nonrefundable fee as set forth in B.

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

5		
6	1. Academic examination	\$12.50
7	2. Skills examination	\$12.50
8	3. Reciprocity examination	\$25.00
9	4. Peace officer license endorsement	
10	examination	\$12.50
11	5. Part-time peace officer	
12	licensing examination	\$12.50
13	6. Constable licensing examination	\$25.00

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

18 4 MCAR S 13.027 Minimum selection standards.

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

25 1. The applicant shall be a citizen of the United States.

26 2. The applicant shall possess a valid Minnesota driver's
27 license; or in case of residency therein, a valid driver's
28 license from a contiguous state; or eligibility to obtain either
29 license.

30 3. The applicant shall complete a comprehensive written
31 application.

32 4. The applicant shall submit to a thorough background
33 search including, but not limited to, searches by local, state
34 and federal agencies, to disclose the existence of any criminal
35 record or conduct which would adversely affect the performance
36 by the applicant of peace officer duties.

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

6 6. The applicant shall be fingerprinted for the purpose
7 of disclosure of any felony convictions. Fingerprint cards
8 shall be forwarded to the appropriate divisions of the Bureau of
9 Criminal Apprehension and the Federal Bureau of Investigation.
10 The chief law enforcement officer shall immediately notify the
11 board if a previous felony conviction is discovered.

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

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

20 9. The applicant shall pass a job-related examination of
21 the applicant's physical strength and agility to demonstrate the
22 possession of physical skills necessary to the accomplishment of
23 the duties and functions of a peace officer.

24 10. The applicant shall successfully complete an oral
25 examination conducted by or for the agency to demonstrate the
26 possession of communication skills necessary to the
27 accomplishment of the duties and functions of a peace officer.

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

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

35 D. More rigid standards. An appointing authority may
36 require an applicant to meet more rigid standards than those

1 prescribed in this rule.

2 4 MCAR S 13.028 Licensing of peace officers.

3 A. Appointee notification. The chief law enforcement
4 officer shall notify the board of the appointment of any person
5 to the position of peace officer before the first day of the
6 appointee's employment. Notification shall be made on a form
7 provided by the board, and it shall include the appointee's full
8 name, sex and date of birth, the effective date of the
9 appointment, and an affirmation that the appointee has met all
10 selection standards as prescribed in 4 MCAR S 13.027.

11 B. Application procedures. If the appointee is not already
12 a licensed peace officer, but is eligible to be licensed, the
13 appointee shall apply to be licensed at the time of appointment.
14 Application shall be made on a form provided by the board, and
15 both the applicant and the chief law enforcement officer shall
16 affirm that the applicant is eligible to be licensed. The
17 applicant shall also submit the licensing fee as prescribed in D.

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

26 D. Licensing fee. The appropriate licensing fee is \$10 if
27 the licensee is to be licensed for 30-36 months; \$6.66 if the
28 licensee is to be licensed for at least 18 months but less than
29 30 months; and \$3.33 if the licensee is to be licensed for at
30 least six months but less than 18 months. No fee is owing if
31 the applicant is to be licensed for less than six months.

32 E. Surrender of license certificate. Licenses shall remain
33 the property of the board. The license certificate and any
34 renewal certificates shall be surrendered to the board if it is
35 suspended or revoked.

1 4 MCAR S 13.029 Continuing education.

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

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

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

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

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

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

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

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

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

5 b. Board-recognized instructor training or specialized
6 academic preparation in the assigned subject area, ~~to include~~
7 including but not limited to psychology, law and forensic
8 ~~pathology. Assigned subject areas may include, but are not~~
9 ~~limited to, psychology, law and forensic pathology.~~

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

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

16 8. The board will approve the course for continuing
17 education credit hours based on each contact hour of proposed
18 training. A contact hour shall consist of no less than one
19 50-minute class session.

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

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

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

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

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

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

9 I. Instructor credit. Peace officers or constables may earn
10 up to one-half of their required continuing education credits
11 for instructing in approved continuing education courses. The
12 peace officer or constable may earn two hours of continuing
13 education credit for each hour of instruction.

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

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

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

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

35 L. Endorsements.

36 1. The board may issue endorsements to peace officer

1 licenses. Endorsements shall acknowledge the acquisition of the
2 knowledge, skills and abilities needed to perform specialized
3 law enforcement functions.

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

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

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

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

15 4 MCAR S 13.030 License renewal.

16 A. Renewal. Peace officer licenses issued by the board
17 pursuant to 4 MCAR S 13.028 are valid until they expire
18 according to the provisions of that rule, are revoked, or are
19 surrendered by the licensee. Constable licenses issued by the
20 board pursuant to 4 MCAR S 13.032 are valid until they expire
21 according to the provisions of that rule, are revoked, or are
22 surrendered by the licensee. Part-time peace officer licenses
23 issued by the board pursuant to 4 MCAR S 13.031 are valid until
24 they expire, are revoked, or are surrendered by the licensee.

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

28 2. The licenses of licensees whose surnames begin with
29 the letters H through M are due for renewal on July 1, 1984 and
30 on July 1 every third year thereafter.

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

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

36 C. Certificate of renewal. The executive director shall

1 issue a certificate of renewal, which is valid for three years,
2 to each applicant who has submitted the appropriate fee on or
3 before June 30 of the year when the license becomes due for
4 renewal and also completed the required hours of continuing
5 education.

6 1. The appropriate fees are:

7 a. \$10 for renewal of a peace officer license;

8 b. \$5 for renewal of a part-time peace officer
9 license; and

10 c. \$10 for renewal of a constable license.

11 2. The required hours of continuing education are:

12 a. No hours for a any part-time peace officer or for a
13 peace officer or constable who has been licensed for less than
14 six months;

15 b. Sixteen hours for a peace officer or constable who
16 has been licensed for at least six months but less than 18
17 months, no more than two of which consist of on-line shooting;

18 c. Thirty-two hours for a peace officer or constable
19 who has been licensed for at least 18 months but less than 30
20 months, no more than four of which consist of on-line shooting;
21 and

22 d. Forty-eight hours for a peace officer or constable
23 who has been licensed for at least 30 months, no more than six
24 of which consist of on-line shooting.

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

33 4 MCAR S 13.031 Licensing of part-time peace officers.

34 A. Scope and purpose. In view of the Legislature's stated
35 policy on part-time peace officers in Minn. Stat. S 626.8461 and
36 the board's respect for the varied services of these

1 supplemental and supervised part-time employees, the board deems
2 that it is most appropriate for the chief law enforcement
3 officer to be responsible for the training and continuing
4 education of the part-time peace officers working in the chief
5 law enforcement officer's agency. Although the board mandates
6 continuing education for peace officers and constables, the
7 board feels that it is incumbent upon each chief law enforcement
8 officer to assess and meet the training needs of these part-time
9 peace officers inasmuch as such assessment and training
10 realistically can be best accomplished at the local level.

11 B. Notification of appointment of part-time peace officer.

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

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

24 1. The part-time peace officer must not have been
25 convicted of a felony in this state or in any other state or
26 federal jurisdiction or of any offense in any other state or
27 federal jurisdiction which would have been a felony if committed
28 in Minnesota. To determine this, the applicant shall be
29 fingerprinted for the purpose of disclosure of any felony
30 convictions. Fingerprint cards shall be forwarded to the
31 appropriate divisions of the Bureau of Criminal Apprehension and
32 the Federal Bureau of Investigation. The chief law enforcement
33 officer shall immediately notify the board if a previous felony
34 conviction is discovered.

35 2. A licensed physician or surgeon shall make a thorough
36 medical examination of the part-time peace officer to determine

1 if the officer is free from any physical condition which would
2 adversely affect the performance of part-time peace officer
3 duties.

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

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

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

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

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

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

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

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

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

20 a. Name of licensee;

21 b. Licensee's forwarding address unless the licensee
22 requests that this information not be divulged; and

23 c. ~~Other information requested by the board~~ Date of
24 termination. -----

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

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

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

3 4 MCAR S 13.032 Constables.

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

10 B. Requirements. The provisionally licensed constable shall
11 meet the requirements set forth in 4 MCAR S 13.031 C.-D.

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

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

23 E. Documentation. The appointing authority shall maintain
24 the documentation necessary to show compliance with 4 MCAR S
25 13.031 C. and D. The documentation is subject to periodic
26 review by the board and shall be made available to the board
27 upon its request.

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

36 G. Issuance of license. The executive director shall issue

1 a constable license to a provisionally licensed constable who
 2 has passed the constable licensing examination, submitted a
 3 written application for licensure, and paid the appropriate
 4 licensing fee. The period of initial licensure is determined by
 5 the initial letter of the licensee's surname, the date of
 6 expiration being determined by the provisions of 4 MCAR S 13.030
 7 A. The appropriate licensing fee is \$10 if the license is valid
 8 for at least 30 months but less than 36 months; \$6.66 if it is
 9 valid for at least 18 months but less than 30 months, and \$3.33
 10 if it is valid for at least six months but less than 18 months.
 11 No fee is required if the applicant is to be licensed for less
 12 than six months.

13 H. Inactive status of constable license.

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

- 17 a. Name of licensee;
 18 b. Licensee's forwarding address unless the licensee
 19 requests that this information not be divulged; and
 20 c. ~~Other information requested by the board~~ Date of
 21 termination. -----

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

25 3. An individual who is appointed or elected to the
 26 position of constable within one year of the date the
 27 individual's license was placed on inactive status may not be
 28 required to comply with selection standards outlined in 4 MCAR S
 29 13.031 C.1.-3. An individual who is appointed or elected as a
 30 constable more than one year after the date the individual's
 31 license was placed on inactive status shall be required to
 32 comply with selection standards outlined in 4 MCAR S 13.031
 33 C.1.-3. prior to the individual's first day of employment.

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

36 4 MCAR S 13.033 Transition from part-time peace officer to peace

1 officer.

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

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

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

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

17 C. Declaration of intent.

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

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

27 D. Removal of hour restriction.

28 1. The 20-hour per week limit prescribed by Minn. Stat. S
29 626.84, subd. 1., clause (f) for a part-time peace officer will
30 be waived in accordance with Minn. Stat. S 626.84, subd. 1,
31 clause (f) only after the board has formally approved the
32 declaration submitted by the appointing authority. The 20-hour
33 per week restriction may thereafter be waived at the discretion
34 of the appointing authority for a period not to exceed one
35 year. This one year limit may be extended only for compelling
36 reasons, subject to board review and approval. No individual

1 may have the hour restriction removed a second time if the
2 individual fails to obtain a peace officer license within one
3 year from the date the board approved the agency's declaration
4 of intent to have the individual become a peace officer. Waiver
5 of the hour restriction may only be effected in a single agency
6 in cases where the officer works for more than one department.
7 An individual working for more than one agency whose hourly
8 restriction has been waived in one of these agencies shall still
9 be bound to the 20-hour a week limit in all other agencies for
10 which the individual works.

11 2. Upon acceptance by the board, the officer is exempted
12 from the limitation on the number of hours that may be worked.
13 The officer is subject to all other part-time peace officer
14 requirements as outlined in Minn. Stat. SS 626.8464 and 626.8465.

15 E. Specialized training school. Any part-time peace officer
16 who has been formally designated by the appointing authority to
17 seek peace officer licensing through the provisions of this rule
18 and who has met all of the requirements stated herein, is
19 eligible to attend a specialized training school pursuant to
20 Minn. Stat. SS 626.843, subd. 1, clause (g) and 626.845, subd.
21 1, clause (g), that meets the requirements set forth in 4 MCAR S
22 13.023 A.1. Upon successful completion of the specialized
23 training school, an individual will be eligible to take the
24 academic examination.

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

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

33 4 MCAR S 13.034 Inactive status of peace officer licenses.

34 A. Terminations. The chief law enforcement officer shall
35 notify the board within ten days of all voluntary and
36 involuntary terminations of peace officers. The notification

1 shall include:

2 1. Name of licensee;

3 2. Licensee's forwarding address, unless licensee
4 requests that this information not be divulged; and

5 3. Other information requested by the board Date of
6 termination. -----

7 B. Inactive status. An individual possessing a peace
8 officer license may maintain the license in an inactive status,
9 provided the individual meets the requirements of 4 MCAR S
10 13.030 C.

11 C. Selection standards. An individual who is appointed to a
12 law enforcement position within one year of the date the
13 individual's license was placed on inactive status shall not be
14 required to comply with selection standards outlined in 4 MCAR S
15 13.027 A.1.-10. An individual who is appointed to a law
16 enforcement position more than one year after the date that
17 individual's license was placed on inactive status shall be
18 required to comply with selection standards as outlined in 4
19 MCAR S 13.027 A.1.-10., prior to his first day of employment.

20 4 MCAR S 13.035 Scope of standards of conduct.

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

24 B. Scope. Nothing in 4 MCAR SS 13.021-13.039 shall preclude
25 or prevent any agency, political subdivision, civil service
26 commission or other appointing authority from publishing and
27 enforcing rules, policies or procedures which are more
28 comprehensive than those minimum statewide standards set forth
29 hereinafter. The responsibility for enforcing any rules,
30 policies or procedures which are more comprehensive than the
31 following minimum standards of conduct remains with the
32 promulgating agency, political subdivision, commission or
33 appointing authority.

34 C. Statement of purpose. The board believes that in order
35 for the public to have confidence in the integrity and ability
36 of law enforcement, it is paramount that peace officers

1 demonstrate that they are capable of self-regulation. The board
2 further believes that internal discipline is properly a function
3 of the appointing authority and its political subdivision.
4 These standards of conduct relate to licensure only and
5 violations thereof do not enlarge on a peace officer's civil or
6 criminal liability in any way.

7 4 MCAR S 13.036 Standards of conduct. Violations of the
8 following standards of conduct by a licensee shall be grounds
9 for revocation, suspension or nonrenewal of license:

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

14 B. The use of deadly force when not authorized by Minn.
15 Stat. S 609.066;

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

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

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

22 F. Failure to pay the appropriate license renewal fee;

23 G. Any violation of a board rule set forth in 4 MCAR SS
24 13.021-13.039; or

25 H. Any obstruction, hindrance, interference or prevention of
26 the execution of 4 MCAR S 13.037.

27 4 MCAR S 13.037 Complaint processing. For the purpose of this
28 rule, "affected parties" means the complainant, the licensee who
29 is subject to the complaint, and the chief law enforcement
30 officer in the agency employing the officer who is a party to
31 the complaint.

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

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

2 B. Complaint committee membership. The complaint
3 investigation committee shall consist of three board members who
4 shall supervise the processing of the complaint. At least two
5 of these members shall be peace officers. The board chairman
6 shall appoint the complaint investigation committee and the
7 chairman.

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

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

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

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

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

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

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

1 d. The committee may continue this matter.

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

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

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

17 F. Second hearing. After the executive director receives
18 the information, he shall call a meeting of the committee. The
19 purpose of the meeting shall be to determine whether further
20 board action is warranted.

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

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

31 a. The committee may find that no further board action
32 is warranted;

33 b. The committee may find that further board action is
34 warranted; or

35 c. The committee may continue the matter.

36 G. Appeals. Any member of the committee who has voted

1 against any decision of the committee may appeal that decision
2 to the full board by means of the following procedures:

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

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

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

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

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

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

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

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

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

34 I. Review by the board.

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

1 of the executive director.

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

6 a. The board may order an administrative hearing as
7 provided by law;

8 b. The board may enter into a settlement agreement or
9 compromise with the licensee. Violation of the terms of any
10 such settlement may be grounds for additional board action;

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

13 d. The board may continue this matter.

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

16 J. License hearings.

17 1. Administrative license hearings shall be conducted in
18 the manner prescribed by the contested case procedures mandated
19 by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9
20 MCAR SS ~~2-101~~ 2.201-2.222, the rules of the Office of
21 Administrative Hearings.

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

25 3. Before the board votes to take action concerning a
26 license it shall provide the affected parties notice of the
27 hearing and shall provide a reasonable opportunity to be heard
28 and comment upon the report of the hearing examiner. This
29 hearing shall be public. It shall be recorded.

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

31 a. Order a re-hearing;

32 b. Revoke the officer's license;

33 c. Suspend the officer's license;

34 d. Enter a settlement agreement or compromise with the
35 officer. Violations of the terms of the settlement may be
36 grounds for further board action;

1 e. Reprimand the licensee; or

2 f. Take no further action.

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

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

7 4 MCAR S 13.038 Reimbursement to local units of government.

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

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

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

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

24 C. Part-time peace officer shares. A share may be awarded
25 when a peace officer has worked part-time for a local unit, but
26 only one local unit shall be credited with a share for the same
27 peace officer.

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

1 correction.

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

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

21 4 MCAR S 13.039 Reimbursement to institutions providing skills
22 training. For the purpose of this rule, a "board approved
23 course in law enforcement skills training" means a skills school.

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

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

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

35 D. Application for reimbursement. Application shall be made
36 through a written request signed by the coordinator of a skills

1 course. The application shall state the names of the students
2 for whom reimbursement is being sought.

3 E. Application approval. The executive director shall
4 approve each application upon verification that the named
5 students have successfully completed the skills licensing test
6 within the period prescribed in C. Payment shall be made to the
7 skills school.

8 Repealer. Rules 4 MCAR SS 13.001-13.020 are repealed.