

1.1 **Peace Officer Standards and Training Board**

1.2 **Proposed Permanent Rules Relating to Education and Licensing of Peace Officers**

1.3 **6700.0100 DEFINITIONS.**

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

1.6 Subp. 2. **Agency.** "Agency" has the meaning given it in Minnesota Statutes, section
1.7 626.84, subdivision 1, paragraph (f).

1.8 Subp. 3. **Appointing authority.** "Appointing authority" means the public official,
1.9 board, commission, or other person or group of persons responsible for the initial appointment
1.10 and continued tenure of persons employed by the agency as peace officers and part-time
1.11 peace officers.

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

1.15 Subp. 5. [Repealed, 14 SR 12]

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

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

1.20 B. a postsecondary certificate that includes instruction as specified in part
1.21 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess
1.22 a postsecondary degree.

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

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

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

2.7 Subp. 9. [Repealed, 14 SR 12]

2.8 Subp. 9a. **Conviction.** "Conviction" means that a person has been charged with a
2.9 crime and the person was found guilty of that crime, regardless of length of or imposition
2.10 or execution of any sentence received, any deferred finding of guilt or imposition of sentence
2.11 by the court, any continuance for dismissal granted by the court, or any expungement of
2.12 the offense records or conviction.

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

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

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

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

2.23 Subp. 13. [Repealed, 18 SR 1961]

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

3.1 Subp. 15. **Guest lecturer.** "Guest lecturer" means a person who is invited by the
3.2 instructor to teach occasionally in a school or a board-approved course in continuing
3.3 education.

3.4 Subp. 16. **Inactive licensed officer.** "Inactive licensed officer" means an individual
3.5 who holds a currently valid peace officer license issued by the board, but who is not currently
3.6 employed by an agency.

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

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

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

3.13 Subp. 20. **School.** "School" means a postsecondary institution which is accredited by
3.14 one of the six regional accrediting associations and authorized to award academic degrees
3.15 including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.)
3.16 degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

3.17 Subp. 21. [Repealed, 18 SR 1961]

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

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

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

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

4.6 Subp. 26. **Discriminatory conduct.** "Discriminatory conduct" means a pattern of
4.7 conduct or a single egregious act that evidences knowing and intentional discrimination
4.8 based on the perception of a person's race, color, creed, religion, national origin, disability,
4.9 sex, sexual orientation, gender identity, or public assistance or any other protected class as
4.10 defined in Minnesota statutes or federal law; and would lead an objectively reasonable
4.11 person to conclude that the individual may not perform the duties of a peace officer in a
4.12 fair and impartial manner.

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

Subp. X. Temporary Position: "Temporary position" means a short term of employment
with a designated end date of six months or less that may not exceed 300 hours in a year.

4.13 **6700.0601 EXAMINATION STANDARDS.**

4.14 Subpart 1. **Grounds for denial.** Violations of the following standards shall be grounds
4.15 to deny an applicant to take an examination or to deny or revoke eligibility for a license:

4.16 A. making any false material statement to the board;

4.17 B. communicating with any other person in any way during an examination, except
4.18 with the express permission of the monitor;

4.19 C. referring to books or any study material during the examination, except with
4.20 the express permission of the monitor;

4.21 D. obstructing a board investigation;

- 4.22 E. without board authorization, possessing a copy of any of the board's
- 4.23 examinations;
- 4.24 F. aiding another person to violate items A to E; or

5.1 G. ~~having been convicted of any crime listed as a disqualification from appointment~~
5.2 ~~to the position of~~ failing to meet the minimum selection standards for licensure as a peace
5.3 officer under part 6700.0700, subpart 1, item F.

5.4 Subp. 2. [See repealer.]

5.5 Subp. 3. [See repealer.]

5.6 **6700.0670 BACKGROUND INVESTIGATION.**

5.7 **Subpart 1. Applicants.**

5.8 A. Each applicant for employment as a peace officer must provide a personal
5.9 history statement with the application. The statement must include:

5.10 (1) background information on the topics addressed in subpart 2;

5.11 (2) a list of current and former names or aliases used by the applicant;

5.12 (3) a complete list of all law enforcement agencies the applicant has applied
5.13 to in the previous six years;

5.14 (4) a signed declaration attesting that all of the information the applicant has
5.15 provided during the background investigation and in the personal history statement is true
5.16 and correct to the best of the applicant's knowledge;

5.17 (5) a signed release allowing background investigation information to be
5.18 shared with the board and with other law enforcement agencies on request; and

5.19 (6) any additional information the applicant wishes to include.

5.20 B. Each applicant must consent to, disclose, and facilitate a review of social media
5.21 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.

6.1 C. Each applicant who is currently or previously licensed as a peace officer must
6.2 authorize the release to the employing agency and board of the officer's personnel files,
6.3 including disciplinary, termination, civil or criminal investigation, and other records or
6.4 information that are directly related to licensure.

6.5 D. Each applicant who is currently or previously licensed as a peace officer must
6.6 disclose any conduct that resulted or may result in an impeachment disclosure or
6.7 Brady-Giglio impairment.

6.8 Subp. 2. **Requirements for background investigation.**

6.9 A. Before employing an unlicensed or licensed applicant in a peace officer position,
6.10 the law enforcement agency must complete a background investigation on the applicant,
6.11 except as stated in item B. The
6.12 background investigation must be completed no earlier than six months prior to the agency's
6.13 offer of employment to an applicant. The background investigation may not be conducted
6.14 by the chief law enforcement officer or by anyone involved in selection of applicants for
6.15 peace officer positions and must comply with Minnesota Statutes, section 363A.08,
6.16 subdivision 4, paragraph (a), clause (1). Nothing in this chapter precludes an agency from
6.17 performing a more stringent background check. A background investigation must address
6.18 the following elements:

6.19 (1) United States citizenship status or verification that the applicant is eligible
6.20 to work in the United States under federal requirements;

6.21 (2) criminal history and arrests identified by means of electronic data transfer,
6.22 criminal records, histories, and warrant information through current state and federal systems
6.23 such as the Minnesota Crime Information System and the National Instant Criminal
6.24 Background Check System;

7.1 (3) Minnesota Department of Public Safety, Division of Driver and Vehicle
7.2 Services records and other states' driving records as applicable;

7.3 (4) drug and alcohol use;

7.4 (5) behavior indicative of discriminatory conduct as defined in part 6700.0100;

7.5 (6) education verification;

7.6 (7) employment history;

7.7 (8) military history verification;

7.8 (9) personal and professional references, such as friends, associates, family
7.9 members, and neighbors;

7.10 (10) personal interview. Personal interviews may occur before, during, and
7.11 after the investigation and may be used to discuss, among other topics, any arrest or
7.12 conviction records and any discrepancies or concerns raised in the investigation;

7.13 (11) residential history;

7.14 (12) records checks, such as open sources or social media, and financial
7.15 information, as permitted by law; and

7.16 (13) inquiry to the local prosecuting authority and law enforcement agency
7.17 in any jurisdiction in which the applicant has served as a peace officer as to whether the
7.18 applicant has any potential impeachment disclosure or Brady-Giglio impairment.

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

7.22 (1) the position being filled is for a seasonal or temporary position; and

8.1 (2) the applicant remains currently employed in Minnesota as a peace officer
8.2 by a different agency as verified in writing by the current employing agency.

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

8.7 **Subp. 3. Chief law enforcement officer.**

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

8.10 (1) a background investigation is initiated, giving the applicant's full name,
8.11 date of birth, and peace officer license number, if applicable; and

8.12 (2) a background investigation identifies:

8.13 (a) a disqualifying offense under the minimum selection standards in
8.14 part 6700.0700, giving the specific offense or offenses; or

8.15 (b) for a licensed peace officer, a violation of standards of conduct under
8.16 this chapter.

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

8.20 **6700.0675 PSYCHOLOGICAL SCREENING.**

8.21 A. A pre-employment psychological screening of an applicant for a peace officer
8.22 position must be conducted after a conditional job offer by a law enforcement agency and
8.23 must be conducted only by a psychologist licensed in Minnesota or the state in which the
8.24 psychologist practices. The screening must include:

9.1 (1) a written psychological test battery relevant to the responsibilities of a
9.2 peace officer and the pre-employment psychological screening criteria established by the
9.3 law enforcement agency;

9.4 (2) an in-person or virtual interview conducted by the psychologist;

9.5 (3) to the extent possible as determined by the psychologist, an evaluation
9.6 of a predisposition on the part of the applicant to engage in discriminatory conduct as defined
9.7 in part 6700.0100; and

9.8 (4) a written report provided by the psychologist in the manner requested by
9.9 the law enforcement agency that addresses the psychological demands of a peace officer's
9.10 responsibilities and an evaluation of any emotional or mental condition that might adversely
9.11 affect the performance of the duties as a peace officer.

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

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

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

9.20 E. An agency may choose not to complete a psychological screening of the
9.21 applicant when:

9.22 (1) the position being filled is for a seasonal or temporary position; and

9.23 (2) the applicant remains currently employed in Minnesota as a peace officer
9.24 by a different agency as verified in writing by the current employing agency.

10.1 **6700.0700 MINIMUM SELECTION STANDARDS.**

10.2 Subpart 1. ~~Selection standards~~ Applicants not yet licensed. ~~A person eligible to be~~
10.3 ~~licensed shall meet the following minimum selection standards before being appointed to~~
10.4 ~~the position of peace officer. The appointing authority may affirm that the applicant has~~
10.5 ~~already completed certain of these standards, but the affirmation must be documented~~
10.6 ~~pursuant to subpart 2. An applicant accepted by the board as~~
10.7 eligible to be licensed or a peace officer currently licensed in Minnesota may apply for a peace
officer position with a law enforcement agency.
10.8 Prior to employment, the law enforcement agency must establish and document that the
10.9 following minimum selection standards are met by the applicant. The applicant must:

10.10 A. ~~The applicant shall be a citizen of the United States; or eligible to work in the~~
10.11 United States under federal requirements;

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

10.15 C. ~~The applicant shall complete a comprehensive written application. submit to~~
10.16 a psychological screening that meets the requirements of part 6700.0675:

10.17 D. ~~The applicant shall submit to provide a complete personal history using a form~~
10.18 provided by the law enforcement agency and submit to a thorough background search,
10.19 including searches by local, state, and federal agencies, to disclose the existence of any
10.20 criminal record or conduct which would adversely affect the performance by the applicant
10.21 of peace officer duties. investigation conducted by the agency that meets the requirements
10.22 of part 6700.0670.

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

11.1 ~~F. E. No applicant may be appointed to the position of peace officer who has not~~
11.2 ~~been convicted of:~~

11.3 ~~(1) of a felony in this state or in any other state or federal jurisdiction;~~

11.4 ~~(2) (1) of any a felony in Minnesota or an offense in any other state or federal~~
11.5 ~~another jurisdiction which that would have been a felony if committed in Minnesota;~~

11.6 ~~(3) under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325,~~
11.7 ~~609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3;~~
11.8 ~~or convicted under any state or federal narcotics or controlled substance law irrespective~~
11.9 ~~of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another~~
11.10 ~~state or federal law; or~~

11.11 ~~(4) of any of the crimes listed in this item in another state or federal~~
11.12 ~~jurisdiction, or under a local ordinance that would be a conviction if committed in Minnesota.~~

11.13 ~~(2) any of the following nonfelony offenses or the equivalent in another~~
11.14 ~~jurisdiction:~~

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

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

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

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

11.23 ~~(e) violation of an order for protection under Minnesota Statutes, section~~
11.24 ~~518B.01, subdivision 14;~~

- 12.1 (f) harassment or stalking under Minnesota Statutes, section 609.749;
- 12.2 (g) violation of a harassment restraining order under Minnesota Statutes,
- 12.3 section 609.748, subdivision 6;
- 12.4 (h) sexual extortion under Minnesota Statutes, section 609.3458;
- 12.5 (i) any offense that would require the applicant to be registered as a
- 12.6 predatory offender under Minnesota Statutes, section 243.166 or 243.167;
- 12.7 (j) criminal sexual conduct under Minnesota Statutes, sections 609.341
- 12.8 to 609.3451;
- 12.9 (k) indecent exposure under Minnesota Statutes, section 617.23;
- 12.10 (l) criminal sexual conduct in the fifth degree under Minnesota Statutes,
- 12.11 section 609.3451;
- 12.12 (m) any mistreatment of a vulnerable adult, including under Minnesota
- 12.13 Statutes, sections 609.2231; 609.231; 609.2325; 609.233; 609.2335; 609.234; and 609.72,
- 12.14 subdivision 3;
- 12.15 (n) patrons of prostitution under Minnesota Statutes, section 609.324,
- 12.16 subdivision 2;
- 12.17 (o) making false claims for profit to a public body or officer under
- 12.18 Minnesota Statutes, section 609.465;
- 12.19 (p) attempting medical assistance fraud under Minnesota Statutes, section
- 12.20 609.466;
- 12.21 (q) theft under Minnesota Statutes, section 609.52, except that
- 12.22 misdemeanor theft of movable property valued at \$500 or less is not an automatic
- 12.23 disqualification;

13.1 (r) interference with an emergency call under Minnesota Statutes, section
13.2 609.78, subdivision 2, clause (1);

13.3 (s) nonconsensual dissemination of private sexual images under
13.4 Minnesota Statutes, section 617.261;

13.5 (t) interference with privacy under Minnesota Statutes, section 609.746;

13.6 (u) malicious punishment of a child under Minnesota Statutes, section
13.7 609.377;

13.8 (v) mistreating animals under Minnesota Statutes, section 343.21;

13.9 (w) misconduct of a public officer or public employee under Minnesota
13.10 Statutes, section 609.43; and

13.11 (x) narcotics or controlled substance law, excluding any nonfelony
13.12 marijuana offenses;

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

13.16 G. be free of any indication of discriminatory conduct that would cause a
13.17 reasonable person to call into question the applicant's ability to impartially serve and protect
13.18 members of protected groups consistent with the Minnesota Human Rights Act, Minnesota
13.19 Statutes, chapter 363A, and federal law;

13.20 H. have no record or indication of participation or support of an extremist or hate
group;

~~13.21 G. I. The applicant shall be fingerprinted for the purpose of disclosure of any~~
13.22 felony convictions. Fingerprint cards shall, and the fingerprints must be forwarded by the
13.23 agency to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal

14.1 Bureau of Investigation. ~~- The results of the fingerprint check must be maintained in the~~
14.2 ~~background investigation report. The chief law enforcement officer shall immediately~~
14.3 ~~notify the~~

14.4 ~~board if a previous felony conviction is discovered.;~~

14.5 H. J. A licensed physician or surgeon shall make a thorough medical examination
14.6 of the applicant to determine that the applicant is be free from any physical condition which
14.7 that might adversely affect the performance of peace officer duties, as established through
14.8 an exam by a licensed medical professional;

14.9 I. K. An evaluation, including an oral interview, shall be made by a licensed
14.10 psychologist to determine that the applicant is free from any emotional or mental condition
14.11 which might adversely affect the performance of peace officer duties. have passed a
14.12 psychological screening that was conducted under part 6700.0675.

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

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

14.19 L. have undergone training equivalent to an emergency medical
14.20 responder or higher, or to be completed within the first six months of employment; and

14.21 M. be at least 18 years old.

14.22 **Subp. 2. Documentation.** The chief law enforcement officer ~~shall maintain~~ must
14.23 ensure that documentation necessary to show ~~completion of compliance with~~ subpart 1. ~~The~~
14.24 ~~chief law enforcement officer is not required to obtain documentation for subpart 1, item~~
14.25 ~~J, if the applicant completed part 6700.0500, subpart 3~~ is retained by the law enforcement
14.26 agency for the duration of any resulting employment. If the applicant is not employed by
14.27 the agency, the background investigation must be retained for six years or as required by
14.28 6700.0700

15.1 the agency's retention schedule, whichever is longer. The documentation is subject to periodic
15.2 review by the board, and ~~shall~~ must be made available to the board at its request.

15.3 Subp. 3. [Repealed, 18 SR 1961]

15.4 Subp. 4. **More rigid standards.** ~~An appointing authority~~ A law enforcement agency
15.5 may require an applicant to meet more rigid standards than those prescribed in this part.

15.6 **6700.1600 VIOLATION OF STANDARDS OF CONDUCT.**

15.7 Subpart 1. Standards. ~~Violation of any of the following standards of conduct by a~~
15.8 ~~licensee constitutes grounds for disciplinary action:~~ A licensed peace officer is subject to
15.9 discipline up to and including license revocation under part 6700.1710 when the board finds
15.10 that the officer has violated one or more of the standards of conduct. It is a violation of
15.11 standards of conduct to:

15.12 ~~A. engaging in conduct prohibited by, or listed as, grounds for disciplinary action~~
15.13 ~~in this chapter, Minnesota Statutes, chapter 214, or sections 626.84 to 626.90, or engaging~~
15.14 ~~in conduct which violates any statute enforced by the board;~~

15.15 ~~B. obtaining a license from the board by fraud or cheating, or attempting to subvert~~
15.16 ~~the examination process;~~

15.17 ~~C. being convicted of a felony or gross misdemeanor in this state, or in any other~~
15.18 ~~state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor~~
15.19 ~~if committed in Minnesota including a finding or verdict of guilt, whether or not the~~
15.20 ~~adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;~~

15.21 ~~D. having been the subject of revocation, suspension, or surrender of a peace~~
15.22 ~~officer license or certificate in resolution of a complaint or other adverse action relating to~~
15.23 ~~licensing or certification in another jurisdiction;~~

16.1 ~~E. failing to report the revocation, suspension, or surrender of a license or~~
16.2 ~~certificate in resolution of a complaint, or other disciplinary or adverse action taken against~~
16.3 ~~a licensee in this or another jurisdiction, or having been refused a license or certificate by~~
16.4 ~~any other jurisdiction;~~

16.5 ~~F. being convicted of a state or federal narcotics or controlled substance law~~
16.6 ~~irrespective of any proceedings under Minnesota Statutes, section 152.18, or any similar~~
16.7 ~~law of another state or federal law;~~

16.8 ~~G. being adjudicated by a court of competent jurisdiction, within or without the~~
16.9 ~~state, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent,~~
16.10 ~~mentally ill and dangerous to the public, or as having a psychopathic personality, or required~~
16.11 ~~to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;~~

16.12 ~~H. violating any order issued by the board;~~

16.13 ~~I. practicing outside the scope of Minnesota Statutes, section 626.863;~~

16.14 ~~J. making an intentional false statement or misrepresentation to the board;~~

16.15 ~~K. engaging in sexual penetration or contact without consent, as defined in~~
16.16 ~~Minnesota Statutes, section 609.341, or engaging in conduct that violates Minnesota Statutes,~~
16.17 ~~section 617.23. Sexual contact does not include contact that is part of standard police~~
16.18 ~~procedure such as search and arrest;~~

16.19 ~~L. being convicted, including a finding or verdict of guilt, whether or not the~~
16.20 ~~adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea~~
16.21 ~~of a violation of Minnesota Statutes, sections 169A.27; 518B.01, subdivision 14; 609.224;~~
16.22 ~~609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465;~~
16.23 ~~609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;~~

16.24 ~~M. failing to cooperate with an investigation of the board as required by part~~
16.25 ~~6700.1610, subpart 4;~~

17.1 ~~N. engaging in sexual harassment, as defined by Minnesota Statutes, section~~
17.2 ~~363A.03, subdivision 43;~~

17.3 ~~O. using deadly force when not authorized by Minnesota Statutes, section 609.066;~~
17.4 ~~or~~

17.5 ~~P. being convicted of solicitation, inducement, or promotion of prostitution in~~
17.6 ~~violation of Minnesota Statutes, section 609.322, or any conviction under Minnesota Statutes,~~
17.7 ~~section 609.324, or being convicted of similar offenses in another state or federal jurisdiction.~~

17.8 A. engage in:

17.9 (1) conduct that would bar licensure under the minimum selection standards
17.10 identified in part 6700.0700, subpart 1, item E regardless of whether or not the conduct
17.11 results in criminal charges;

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

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

17.12 (4) sexual harassment, as defined by Minnesota Statutes, section 363A.03,
17.13 subdivision 43;

17.14 (5) obstructing legal process;

(6) fleeing by means other than a vehicle;

(7) carrying a pistol while under the influence;

17.15 (8) driving while impaired or under the influence;

17.16 B. falsify or knowingly provide false information to the board, a law enforcement
17.17 agency, or a court; or other conduct that may lead to an impeachment disclosure or
17.18 Brady-Giglio impairment;

17.19 C. cheat or attempt to subvert the examination or licensing process;

17.20 D. regarding use of force:

17.21 (1) fail to intercede when observing another licensee using force beyond that

17.22 which is objectively reasonable as required under Minnesota Statutes, section 626.8474;

18.1 (2) fail to report in writing within 24 hours to the chief law enforcement
18.2 officer any use of force violations by another employee or peace officer as required under
18.3 Minnesota Statutes, section 626.8474; or

18.4 (3) engage in unreasonable or excessive use of force against a person, or the
18.5 illegal use of deadly force;

18.6 E. fail to:

18.7 (1) report crimes of bias or alleged crimes of bias as required under Minnesota
18.8 Statutes, section 626.5531;

18.9 (2) report the licensee's arrest or criminal charge, or any violation of standards
18.10 of conduct to the board and the officer's chief law enforcement officer within ten days;

18.11 (3) cooperate with a board investigation; or

18.12 (4) comply with any other requirement in this chapter or Minnesota statutes
18.13 for peace officers;

18.14 F. misuse a peace officer's authority by:

18.15 (1) the use or attempted use of one's position or authority as a peace officer
18.16 to obtain a benefit, avoid a detriment, or harm another;

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

18.18 (3) maliciously procuring a search warrant; exceeding the officer's authority in
executing a search warrant or executing

18.19 it with unnecessary severity under Minnesota Statutes, section 626.22;

18.20 G. engage in on duty or off duty discriminatory conduct based on a perception of
18.21 a person's race, color, creed, religion, national origin, disability, sex, sexual orientation,
18.22 gender identity, public assistance or any other protected class as defined in Minnesota
18.23 statutes, or federal law;

- 19.1 H. undermine or jeopardize public trust in law enforcement, establish a
19.2 Brady-Giglio impairment, create an appearance of impropriety, or disrupt the cohesive
19.3 operation of law enforcement by supporting, advocating, or participating in any form
19.4 in the activities of a white supremacist; hate or extremist
19.5 group; or criminal gang that:
- 19.6 (1) promotes derogatory or harmful actions against other persons based on a
person's perceived race, color, creed, religion,
19.7 national origin, disability, sex, sexual orientation, gender identity, public assistance status
19.8 or any protected class as defined in Minnesota Statutes, or federal law;
- 19.9 (2) promotes the use of threats, force, violence, or criminal activity:
- a) to deprive or attempt to deprive individuals of their civil rights under
the Minnesota or United States Constitution; or
b) to achieve goals that are political, religious, discriminatory, or
ideological in nature; or
- 19.10 (3) promotes seditious activities, threats, or violence against local, state or
U.S. Government;
- 19.11
- 19.12 I. support, advocate for, or participate in a white supremacist, hate, extremist
group or criminal gang under Item H as demonstrated by:
- (1) dissemination of extremist material;
(2) engagement in cyber or social media posts, chats, forums, and other
forms of promotion of the group's activities or ideology;
(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.
- J. A violation under Item H or J does not apply when the conduct is sanctioned
by the law enforcement agency as part of the officer's official duties.
- 19.13 K. be the subject of revocation, suspension, or surrender of a peace officer license
19.14 or certificate in resolution of a complaint or other adverse action relating to licensing or
19.15 certification in another jurisdiction;

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

20.1 Subp. 2. **Incapacitation.** The license of a peace officer may be suspended or revoked
20.2 by the board when the officer has been adjudicated by a court in any jurisdiction as
20.3 incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally
20.4 ill and dangerous to the public, or as having a psychopathic personality, or required to
20.5 register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167.

21.1 **6700.1610 REPORTING OBLIGATIONS AND COOPERATION.**

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

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

21.9 Subp. 3. **Report submittal requirement.** Reports required by this part must be
21.10 submitted no later than ~~90~~ ten days after learning of the reportable event.

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

6700.XXXX –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 parts A – B.

A. Each agency must adopt, implement, and enforce policies listed below that are based on a
board's model policy. An agency may incorporate additional agency specific requirements
or more stringent requirements in its adopted policy, but must include the specific
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 & 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; and
- 15) Supervision of Part-time Licensed Peace Officers Policy, applicable only if the agency employs an Part-time officer under MN Statute 626.1110;
- 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 such equipment or devices. 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 MN Statutes 626.8472;
- 2) Portable Recording Systems Adoption Policy, applicable only if the agency uses applicable recording systems under MN Statutes 626.8473;
- 3) Use of Unmanned Aerial Vehicles Policy, applicable only if the agency uses drones or other applicable aerial devices under MN Statutes 626.19; and

Subpart 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 .

- 21.18 **REPEALER.** Minnesota Rules, parts 6700.0601, subparts 2 and 3; 6700.0701; 6700.1400, subpart 3; 6700.1500; 6700.1700, subparts 1, 3, and 4; 6700.2700 through 6700.2704.

Note: Actual text of rules to be repealed is not included in the Revisor's draft but is listed below for board review.

6700.0601 EXAMINATION STANDARDS.

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

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

~~**6700.0701 NOTIFICATION OF CONVICTION.**~~

~~If any background search required by this chapter reveals a conviction of a felony, or the conviction of any crime listed in this chapter, or conviction of a crime which was charged under an ordinance or law of another state but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board. *Note, requirement moved to 6700.00670 subp 3 and amended.*~~

~~**6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.**~~

~~**Subp. 3. Selection standards.** An individual who is appointed to a law enforcement position within three years of the date the individual's license was placed on inactive status shall not be required to comply with selection standards outlined in part 6700.0700, subpart 1. An individual who is appointed to a law enforcement position more than three years after the date that individual's license was placed on inactive status shall be required to comply with selection standards as outlined in part 6700.0700, subpart 1 prior to the first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain necessary documentation to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.~~

~~**6700.1500 STANDARDS OF CONDUCT FOR PEACE OFFICERS.**~~

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

~~Subp. 2. **Scope.** Nothing in parts 6700.0100 to 6700.1800 shall preclude or prevent any agency, political subdivision, civil service commission, or other appointing authority from publishing and enforcing rules, policies, or procedures which are more comprehensive than those minimum statewide standards set forth hereinafter. The responsibility for enforcing any rules, policies, or procedures which are more comprehensive than the following minimum standards of conduct remains with the promulgating agency, political~~

subdivision, commission, or appointing authority.

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

~~6700.1700 COMPLAINT COMMITTEE.~~

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

~~Subp. 2. [Repealed, 26 SR 181]~~

~~Subp. 3. Complaint committee membership. The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint. At least two of these members shall be peace officers. The board chair shall appoint the complaint investigation committee and the chair.~~

~~Subp. 4. Complaint committee quorum. All three committee members must be present to act, and decisions of the committee shall be by majority vote.~~

6700.2700 POLICE PURSUITS. ~~The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.~~

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES. ~~On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:~~

~~A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;~~

~~B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;~~

~~C. assignments of the agency's other assisting law enforcement vehicles;~~

~~D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;~~

~~E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;~~

~~F. circumstances under which a pursuit is to be terminated;~~

~~G. radio communications procedures during a pursuit;~~

~~H. role and responsibilities of the agency's on-duty supervisors during a pursuit;~~

- ~~I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;~~
- ~~J. role and responsibilities of the agency's peace officer during intra jurisdictional and inter jurisdictional pursuits; and~~
- ~~K. methods of evaluation of the pursuit. The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.~~

~~6700.2702 TRAINING REQUIREMENTS.~~

~~The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:~~

- ~~A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;~~
- ~~B. type of agency and geographical location;~~
- ~~C. training needs of the peace officers within the agency;~~
- ~~D. overall training needs of the agency; and E. an analysis of the evaluations of previous pursuits.~~

~~6700.2703 COPIES OF PROCEDURES.~~

~~**Subpart 1. Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.~~

~~**Subp. 2. Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.~~

~~**6700.2704 AFFIRMATION OF COMPLIANCE.** The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.~~

Minnesota Board of Peace Officer Standards and Training

CERTIFICATE OF THE BOARD OF PEACE OFFICER STANDARDS AND TRAINING; AUTHORIZING RESOLUTION

Proposed Amendment to Rules Governing Peace Officers, *Minnesota Rules*, chapter 6700; Revisor's ID Number R-04641

I, Kelly McCarthy, certify that I am a member and the Chair of the Board of Peace Officer Standards and Training, a board authorized under the laws of the State of Minnesota; that the following is a true, complete, and correct copy of a resolution that the Board of Peace Officer Standards and Training adopted at a properly convened meeting on April 21, 2022; that a quorum was present; and that a majority of those present voted for the resolution, which has not been rescinded or modified. The Board resolved the following:

1. The Executive Director of the Board of Peace Officer Standards and Training is authorized and directed to sign and to give Notice of Hearing on the proposed rules in the Revisor of Statutes draft, file number R-04641 as approved by the Board and with any non-substantive changes recommended by the Revisor. The Executive Director must give this notice to all persons who have registered their names with the Board for that purpose. The Executive Director must also publish the Notice in the State Register. Furthermore, the Executive Director is authorized and directed to do anything else needed to complete this Notice.
2. The Executive Director of the Board of Peace Officer Standards and Training is authorized and directed to act as the Board's representative at the hearing if a hearing is held, and to do anything else needed to adopt these rules. This includes authority to sign the Order Adopting Rules if there are no modifications to the rules other than modifications approved by the Board.

Date

Kelly McCarthy, Chair
Minnesota Board of Peace Officer Standards and Training