


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

# Peace Officer Standards and Training Board Adopted Rules Governing the Selection, Training and Licensing of Peace Officers and Constables

4 MCAR § 13.001 Introduction and scope. The Minnesota Board of Peace Officer Standards and Training, which is created pursuant to Minn. Stat. § 626.84 (Supp. 1977) et seq., as amended, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers and constables in the State of Minnesota. The following rules are adopted pursuant to that enabling legislation. See Minn. Stat. § 626.843.

4 MCAR § 13.002 Construction of terms.

A. Definitions. For the purpose of these rules the words, terms and phrases shall have the meanings hereafter given them, unless another intention clearly appears.

1. Agency: local or state law enforcement agency employing peace officers.

2. Appointing authority: executive head of the agency. In cases where there is no executive head or where the executive head is the sole member of the agency, "appointing authority" shall mean the public official, board, commission, or other person or groups of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers.

3. Basic course: a course including both academic and skills training which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been certified by the board.

4. Board: the Minnesota Board of Peace Officer Standards and Training.

5. Bureau: Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

6. Constable: as defined in Minn. Stat. § 367.40 subd. 3.

7. Deputy constable: as defined in Minn. Stat. § 367.40 subd. 4.

8. Director: director or head of a school.

9. Executive director: executive director of the board.

10. Field training: a program of on-the-job instruction and evaluation for new peace officers conducted by board-approved field training officers which meets or exceeds established guidelines of the board.

11. Field Training Officer (FTO): a licensed peace officer who is responsible for the field training and evaluation of new peace officers and who has met or exceeds the established requirements of the board regarding FTO qualifications.

12. Guest lecturer: a person who may be utilized from time to time for the purpose of providing specific expertise within a certified course of instruction.

13. Instructor: a person who is qualified to teach in a school.

14. Peace Officer: as defined in Minn. Stat. § 626.84(c).

15. Permanent appointment: any peace officer who meets the requirements of Minn. Stat. § 626.846, subds. 1, 1(a), 3 or 3(a), and any constable who meets the requirements of Minn. Stat. § 626.845 subd. 2, shall be considered to have received a permanent appointment for the purposes of these rules.

16. Political subdivision: county, city, town, municipality or other similar political subdivision of the State of Minnesota.

17. Post-secondary program: an academic course of instruction in law enforcement at a college or university that has been certified by the board and which minimally includes the subject areas listed in § 13.003A 1.

18. Provisional certification: temporary approval given by the board which permits a school to operate for a period not to exceed one year, provided that the school substantially complies with the board's requirements for certification as set forth in § 13.005.

19. Reimbursement funds: legislatively appropriated funds made available to the board for use by political subdivisions to defray the cost of salaries, expenses and substitute protection incurred during the training of peace officers which shall be disbursed on an equal share basis to agencies which had peace officers successfully complete a basic course during the preceding fiscal year.

20. School: any training school or program certified by the board.

21. Skills Course: a course of training which minimally includes the subject areas listed in § 13.003A.2. and which must be successfully completed by an individual to be eligible to be licensed. The completion of a post-secondary program and a skills course is equivalent to the completion of the basic course.

~~a. The completion of a post-secondary program and a skills course is equivalent to the completion of the basic course.~~

B. Gender. Words used in the masculine gender shall include the feminine gender as well.

C. Singular and plural. Where appropriate, words used in the singular shall include the plural and words used in the plural shall include the singular.

4 MCAR § 13.003 Basic course.

A. The basic course minimally shall include the following subject areas.

1. Academic instruction in:
   a. administration of justice;
   b. Minnesota Statutes;
   c. criminal law;
   d. human behavior;
   e. juvenile justice;
   f. law enforcement operations and procedures.
2. Skills training in:
   a. techniques of criminal investigation and testifying;
   b. patrol functions;
   c. traffic law enforcement;
   d. firearms;
   e. defensive tactics;
   f. emergency vehicle driving;
   g. criminal justice information systems;
   h. first aid (see § 13.006 E.).

B. Participation or continued instruction in a particular subject area enumerated in § 13.003 A. ~~may~~ shall be waived by the director upon satisfactory evidence of approved equivalent training.

C. All basic courses shall comply with the minimum requirements set forth in § 13.003 A. and shall furnish such reasonable and necessary proof to the board to verify that the provisions of § 13.003 A. are being met. Nothing in these rules shall preclude any basic course from enacting regulations which establish standards of training above the minimum requirements set forth in § 13.003 A.

~~1. Nothing in these rules shall preclude any basic course from enacting regulations which establish standards of training above the minimum requirements set forth in § 13.003 A.~~

D. Periodically the board may issue specific learning objectives applicable to the content of the minimum basic course as outlined in § 13.003 A.

E. Attendance shall be required of each student at all sessions of each basic course. Any student who is absent for more than one day of any basic course shall make up such course content to the satisfaction of the director.

F. The board shall determine the reasonable number of students to be enrolled in each class of a basic course.

G. Currently employed unlicensed peace officers applying for enrollment in any bureau sponsored basic course shall receive priority acceptance.

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

I. The director shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the basic course. Additionally, the director shall notify the board of all students who have successfully completed his school.

J. All basic courses shall be subject to periodic review and evaluation by the board.

4 MCAR § 13.004 Instructors.

A. All instructors who teach law enforcement courses in a school, post-secondary law enforcement program, or other course which has been approved by the board, shall possess an associate degree or greater from an accredited institution of higher learning, or have professionally recognized experience to teach the assigned subject matter.

B. These rules shall not preclude a certified school, program or course from utilizing guest lecturers.

4 MCAR § 13.005 Certification of post-secondary programs and schools.

A. All schools and post-secondary programs shall be reviewed periodically by the board and no certification shall issue unless the school or program files with the board satisfactory proof that the school or program will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities, and has qualified instructors. Further, the school or program shall also file with the board such other relevant information as it may require (e.g., lesson plans, course outlines, etc.).

B. The director of the school or program shall file all relevant information required by the board at least 30 days prior to commencement of each proposed course or program.

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

4 MCAR § 13.006 Licensing of peace officers.

A. Pursuant to Minn. Stat. § 626.846, subds. 1-3(a), eligible peace officers shall be licensed by the board commencing July 1, 1978. Similarly, pursuant to Minn. Stat. § 367.41, subds. 2-5, and Minn. Stat. § 626.845, subd. 2, eligible constables shall be licensed by the board commencing ~~July 1, 1978.~~ July 1, 1979.

B. Licenses shall remain valid for a period of not more than three years unless suspended or revoked in accordance with the provisions of Minn. Stat. ch. 214.

C. All peace officers whose last names begin with "A" through "G" shall be eligible to have their licenses renewed on July 1, 1980. Peace officers whose last names begin with "H" through "M" shall be eligible to have their licenses renewed on July 1, 1981. Peace officers whose last names begin with "N" through "Z" shall be eligible to have their licenses renewed on July 1, 1982.

D. All unlicensed peace officers, except as provided otherwise by § 13.006 F. -O. who are appointed subsequent to July 1, 1978 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of more than 1,000 according to the last federal census and constables appointed or elected subsequent to July 1, 1979 shall attend a basic course no later than within one year from the time of appointment or election.

1. All unlicensed peace officers, except as provided otherwise by § 13.006 F. -O, who are appointed subsequent to July 1, 1979 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of less than or equal to 1,000 according to the last federal census, shall attend a basic course no later than within one year from the time of appointment.

2. Each peace officer and constable enrolled in a basic course shall complete it within six months from the date of enrollment, unless the board grants an extension for compelling reasons.

E. Students shall furnish the board proof of successful completion of one of the following approved first aid courses:

1. Red Cross advanced first aid;

2. Crash Injury Management (CIM); or

3. Emergency Medical Technician (EMT).

The first aid course shall be successfully completed prior to termination of the prelicense probationary period.

F. Students who successfully complete a post-secondary program shall be eligible to take the academic portion of the peace officer licensing examination.

G. Students who successfully pass the academic portion of the peace officer licensing examination shall be eligible to enroll in a skills course. Upon successful completion of such skills course, a student shall be eligible to take the skills portion of the licensing examination. All persons enrolled in a skills course shall successfully complete that course within six months of the date of enrollment, unless the board grants an extension for compelling reasons, such as injury or sickness.

~~1. All persons enrolled in a skills course shall successfully complete that course within six months of the date of enrollment, unless the board grants an extension for compelling reasons.~~

H. Any student who successfully completes a post-secondary program which provides both academic and skills courses shall be allowed to take the entire peace officer licensing examination.

I. Upon successful completion of both portions of the peace officer licensing examination, a student shall be certified eligible for employment as a peace officer for a period of not more than one year. Any student who obtains employment as a peace officer shall be issued a license upon successful completion of a one-year probationary period with a single agency. Notification of successful completion of the probationary period shall be furnished to the board by the appropriate appointing authority.

~~1. Notification of successful completion of the probationary period shall be furnished to the board by the appropriate appointing authority.~~

J. Any unlicensed peace officer who successfully completes a basic course pursuant to these rules and who successfully completes a one-year probationary period with a single agency calculated from the date of successful completion of the basic course, shall be licensed as a peace officer by the board provided that the peace officer successfully completes the licensing examination within that period of time.

K. Peace officer licensing examinations shall be offered at least twice a year. The board shall establish the examination schedules. Any student or peace officer seeking to take either portion of the licensing examination shall submit a written application on a form provided by the board at least 30 days prior to the date of the examination. Each application shall be accompanied by the appropriate nonrefundable fee as set forth in § 13.007. Students or peace officers who fail the examination ~~may~~ shall be allowed to retake the examination two times upon furnishing to the board a renewed written application and appropriate fee; additional examinations shall be scheduled to accomodate such students and peace officers.

L. Inactive licenses. Licensed peace officers who have received a permanent appointment as defined in these rules, and who leave law enforcement in good standing shall be allowed to maintain the license in an inactive status provided they meet the requirements of § 13.007-13.008. Any person whose license is inactive and who desires to re-enter law enforcement shall petition the board in writing and his appointing authority shall invoke the provisions of § 13.020 A, B. 1-7, and furnish the board with proof of their compliance.

M. Any peace officer who is certified and employed in good standing in another state shall be eligible for licensing in Minnesota provided that he:

1. successfully completes a peace officer licensing examination pursuant to § 13.006 K;

2. is employed within the State of Minnesota and complies with the provisions of § 13.020 B.; and

3. successfully completes a probationary period with a single agency of not less than one year.

N. All peace officers licenses shall remain the property of the board. A copy of the valid license shall be forwarded to the licensee, and such copy shall be surrendered to the board in the event that the license is suspended, revoked or becomes inactive.

O. A peace officer who prior to July 1, 1978 is employed by and receiving direct compensation from any state, county, municipality, or joint or contractual combination thereof with a population of more than 1,000 according to the last federal census, but who has not met the requirements of Minn. Stat. §§ 626.842-626.855 in effect on June 30, 1977, shall be licensed by the board when proof is provided that he has:

1. successfully completed a peace officer licensing examination no later than January 1, 1981;

2. complied with the provisions of § 13.020 B.;

3. qualified in the use of firearms; and

4. obtained first aid training in accordance with § 13.006 E.

4 MCAR § 13.007 Examination and license fees.

A. A nonrefundable fee of $25.00 shall be paid to the board prior to taking the peace officer license examination.

B. License fees shall be as follows:

1. Active: $10.00 for three years.

2. Inactive: $10.00 for three years.

4 MCAR § 13.008 Peace Officer continuing education — training.

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

B. No peace officer's license shall be renewed unless the licensee or his appointing authority furnishes the board proof that the licensee has successfully completed at least 48 hours of board-approved training or education within the previous three-year period.

1. Prior to being eligible to receive board approval, the course outline or lesson plans for a peace officer continuing education course shall be filed with the board. Additionally, the names and qualifications of each instructor and guest lecturer shall be provided to the board.

2. Approval for courses and/or programs for peace officer continuing education shall be based upon their relevance to knowledge, skills and abilities needed to be a peace officer. Subject areas shall be related to those topics enumerated in 4 MCAR § 13.003 A.(1) and (2).

C. The board may from time to time mandate specific courses and required minimum hours in requisite subject areas to insure continued protection of the public interest. Nothing contained herein shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education and/or training required by the board.

D. ~~This rule~~ 4 MCAR § 13.008 shall take effect July 1, 1979.

4 MCAR § 13.009 Field training. ~~Statement of purpose.~~ The board encourages and shall furnish assistance to all agencies which establish minimum requirements for field training of new peace officers.

4 MCAR § 13.010 Reimbursement program of the board.

A. Statement of purpose. An increase in the minimum number of weeks required for basic training of peace officers and constables has created additional costs to political subdivisions. The reimbursement program of the board is intended to assist political subdivisions paying the salary and expenses of peace officers who successfully complete a basic course and to help absorb the cost of providing substitute protection while peace officers are being trained. Accordingly, the following rules are promulgated pursuant to the authority vested in the board by Minn. Stat. § 626.843, subd. 3(d).

B. Any agency which meets the following criteria shall be eligible to receive reimbursement funds for the training of each officer successfully completing the basic course.

1. The agency shall have complied with the provisions of § 13.020 B prior to seeking reimbursement funds.

2. The agency or political subdivision shall not have required its peace officers to work while attending the basic course, unless such work was part of the training program.

3. The agency or political subdivision shall have completed and filed all pertinent reports required by the board.

C. Application for reimbursement funds shall be made on forms provided by the board.

1. Forms shall be submitted listing each peace officer who has successfully completed a basic course and for whom the political subdivision seeks reimbursement funds.

2. The application for reimbursement funds shall be submitted on behalf of the political subdivision by an official designated by resolution of the appropriate governing body. Verification of compliance with these rules shall accompany each application and shall be made in writing by the executive head of the agency.

3. Applications for reimbursement funds shall be submitted by the appropriate political subdivision within 60 days after receiving the requisite forms from the board.

D. Upon compliance with these rules and applicable statute, approval of the application shall be by the board or ~~its designee~~ the executive director. After the board or ~~its designee~~ the executive director has approved the reimbursement application, it shall recommend payment and promptly forward the request form through the appropriate state agencies for the disbursement of funds.

1. Upon approval, each political subdivision shall be entitled to reimbursement funds for each peace officer attending a basic school provided that the eligibility criteria enumerated in § 13.010 B have been met.

2. A political subdivision is not deemed eligible for reimbursement funds when it receives a subsidy from a state or federal agency or program to assist paying a student's salary; provided, that if no expenses are allowed under such program, the board may authorize reimbursement for actual expenses in an amount not to exceed $30.00 per week of training for each student.

3. Any award of reimbursement funds shall be conditioned upon the continued availability of such funds.

E. Disbursement of reimbursement funds by the board shall be as soon as possible after the close of board's fiscal year, and no later than 90 days from the end of the fiscal year.

F. When funds become available for reimbursement of mandated training other than basic courses, political subdivisions shall be entitled, upon approval of a proper application, to share equally in such funds for each peace officer who completes such training, provided the eligibility criteria enumerated in § 13.010 B. have been met.

4 MCAR §§ 13.011-13.019 Reserved for future use.

4 MCAR § 13.020 New peace officers.

A. All agencies shall furnish the name, address, date of appointment and other pertinent information concerning a newly appointed peace officer to the executive director within 10 calendar days of such officer's appointment.

B. No agency shall appoint any new peace officer who does not comply with the following minimum selection standards; provided, that these standards shall not be construed to restrict an agency from adopting more rigid standards in the areas enumerated.

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

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

3. The applicant shall complete a comprehensive written application prior to hiring. The applicant shall be fingerprinted and a thorough background search shall be made through, but not limited to, the resources of local, state and federal agencies in order to disclose the existence of any criminal record or unacceptable conduct which would adversely affect the performance by the applicant of his duties as a peace officer.

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

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

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

7. The applicant shall successfully pass a job-related examination of his physical strength and agility demonstrating the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

8. The applicant shall successfully pass a written examination demonstrating the possession of all mental skills necessary for the accomplishment of the duties and functions of a peace officer.

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

C. Periodically the board may make specific recommendations applicable to the implementation of the minimum selection standards set forth in § 13.020 B.

D. ~~Potential~~ Penalties for noncompliance with the minimum selection standards set forth in this rule include:

1. denial of entrance into the bureau basic course;

2. denial of reimbursement funds as specified in § 13.010; and

3. denial of licensure.~~; and~~

~~4. Other appropriate remedies as provided under Minn. Stat. §§ 214.10 and 214.11.~~

APPROVED AS TO FORM AND LEGALITY

JAN. 3 1979 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN - 3 1979
Joan Anderson Growe
Secretary of State

3:10 P.M.

#490 Board of Peace Officers

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 12-11-78 Temporary Rule _____

Resubmitted and Received 12/13/78 1-2-79

DUE DATE 12-29-78 / 1-2-79 / 1-12-79

a. Returned to Agency w/o filing w/Secy of State 12/13/78 / 12/26
b. Approved 1-3 Date Sent Back to Agency _____

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1. Rules as Adopted ✓
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable _____
4. Order for Hearing ✓
5. Notice of Hearing ✓
   (i) Sufficiency ✓
6. Secretary of State's List ✓
7. Certificate of Acquisition of Secretary of State's List ✓
8. Affidavit of Mailing ✓
   (i) At least 30 days prior to hearing ✓
9. Statement of Need and Evidence ✓
10. Hearing Examiner's Report ✓
11. Agency's Findings of Fact ✓
12. Certificate of Board's Resolution Adopting Rules, where applicable ✓
13. Order Adopting ✓
14. Report of Chief Hearing Examiner ✓
    (i) Finding of No Substantial Change ✓
    (ii) Permission to Incorporate by Reference, where applicable N.A.
15. Certificate of Compliance with Rulemaking Procedures ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable ✓
17. Petition by Public, where applicable N.A.

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT P.O.S.T.

# Office Memorandum

TO : Lee E. Sheehy

DATE: January 2, 1979

FROM : Mark K. Shields
Executive Director

SUBJECT: Re-submission of POST Board Rules

Enclosed please find POST Board Rules resubmitted for approval containing changes as reflected in your December 26th memo to Richard Hodsdon. If you have any questions, do not hesitate to call me.

MKS:cfl
Enc.

Our File No. 490

ATTORNEY GENERAL

RICHARD HODSDON
Special Assistant
Attorney General

December 26, 1978

296-1288

LEE E. SHEEHY
Special Assistant
Attorney General

In the Matter of the Proposed Adoption of the Rules of the Peace Officer Standards and Training Board Governing the Selection, Training and Licensing of Peace Officers and Constables.

The above-captioned rules have NOT been approved by this office or filed with the Secretary of State for the reasons noted below. After agency consideration of these reasons and appropriate action, if any, the rules may be resubmitted to this office. In the event that the rules are resubmitted, please insure that the original of the Order Adopting and the original of the Adopted Rules, which are necessary to filing with the Secretary of State, are resubmitted to this office.

1. Sections 13.003 B and 13.005 C: Those sections contain the word "may" which permits the agency unbridled discretion, fails to inform the public of the entirety of criteria upon which agency decisions will be made, and affords the public no predictability in the application of the rule thereby rendering the rule improper. While this office understands the agency's need for discretion in administrative decision-making, such flexibility must come from a careful choice of criteria and not from a total abrogation of a complete listing of the criteria by using the word "may." The word "shall" must be used and criteria upon which the agency shall make a decision must be established.

2. Section 13.006 A: It appears the 1978 effective date relating to constables in this provision is in error given amendments to the enabling legislation during the 1978 session. See Minn. Laws 1978, Chap. 681, sections 4 and 10.

3. Certification of Board's Authorizing Resolution: The agency failed to provide a proper Certification of Board's Authorizing Resolution required by ATTYGEN 302 (c)(3).

If you have any questions, do not hesitate to call me.

LES/bw
cc: Duane Harves
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Natalie Gaull,
HEARING EXAMINER

In the matter of the Proposed Adoption of Rules of the Minnesota Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers and Constables.

ORDER ADOPTING RULES

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The above-entitled matter came on for hearing before Natalie Gaull, hearing examiner of the State of Minnesota on the 24th day of August, 1978, at 9:00 A.M. in Room 83 of the State Office Building, St. Paul, Minnesota, after proper notice required by M.S. 1978, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules

NOW, THEREFORE, IT IS ORDERED that these rules identified as 4 MCAR §§ 13.001 - 13.020 are adopted this 29th day of December, 1978, pursuant to the authority vested in me by M.S. § 626.84 et seq. (Supp. 1977), as amended by Laws of 1978, ch. 681.

STATE OF MINNESOTA
MINNESOTA BOARD OF PEACE OFFICER
STANDARDS AND TRAINING

Ralph W. Talbot

CHAIRMAN

STATE OF MINNESOTA

# Office Memorandum

DEPARTMENT P.O.S.T.

RECEIVED
SEP 1 1978
OFFICE OF HEARING EXAMINERS

DATE: August 31, 1978

TO: Natalie Gaull

FROM: Mark K. Shields, Executive Director

SUBJECT: Information on POST Rules

As per your direction during the recent POST Board Public Hearing, I am forwarding to you the Resolution from the City Council of Little Falls, MN. I am also including a separate memo from me that addresses the part-time peace officer issue.

MKS:cfl

RECEIVED
SEP 1 1978
OFFICE OF HEARING
EXAMINERS

RESOLUTION
1978-54

RESOLVED that the City Council of the City of Little Falls go on record as supporting the position taken in that letter written by Joseph J. Felix, Region D Criminal Justice Advisory Council, to Mark Shields, Executive Director POST Board, dated August 16, 1978, a copy of which letter is attached hereto and made a part hereof.

RESOLVED FURTHER that Clayton Olson, the Chief of Police for the City of Little Falls, attend the public hearing to be held on August 24, 1978, on the Proposed Rules Governing the Selection, Training and Licensing of Peace Officers and Constables, and that he freely express this city's concern in these matters raised by Mr. Felix's letter.

Passed this 21st day of August, 1978.

President of City Council

ATTEST:

City Administrator

Approved this 21st day of August, 1978.

Mayor of Said City

(SEAL)

ATTORNEY GENERAL

MARK SHIELDS
Executive Director
POST Board

December 12, 1978

JOANNE E. HINDERAKER
Special Assistant
Attorney General

296-4632

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers and Constables

The above-captioned rules have not been approved by this office because of a failure to provide copies of the requisite documents. I have discussed the matter with Mr. Richard Hodsdon, Special Assistant Attorney General and I believe he is aware of the copies required. If you have any questions in this regard do not hesitate to contact me.

You may resubmit the original documents and the copies thereof to this office.

JEH/bw
Encl.

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT P.O.S.T.

# Office Memorandum

TO : Natalie Gaull, Hearing Examiner

DATE: August 29, 1978

RECEIVED
SEP 1 1978
OFFICE OF HEARING EXAMINERS

FROM : Mark K. Shields, Executive Director
POST Board

SUBJECT: Part-Time Peace Officers

The definition of a peace officer is stated in Minn. Stat. 626.84(c). This definition does not make a distinction between full and part-time officers. It clearly states that a person employed to enforce the criminal laws is a peace officer.

There are a large number of part-time officers employed by Minnesota agencies; (a BCA questionnaire survey provides an estimate of 2,800). Most of these officers have not completed a board approved basic course. This is and has been at variance with the rules of both the Minnesota Peace Officer Training Board (dissolved on June 30, 1977) and the POST Board. As indicated in the Statement of Need many of these officers have applied for basic training but because of limited openings in the course were denied enrollment. Priority for enrollment in the BCA Basic Course always has been given to full-time officers. It is also very difficult for most part-time officers to attend an 8 week course, since most of these officers have other full time employment. Local departments provide training for these part-time officers; some departments provide extensive training that may be equivalent to the basic course. However, the quality and coverage of this local training is difficult to verify. The POST Board cannot grant licenses to part-time officers unless they have "met the requirements of sections 626.841 to 626.855 in effect on June 30, 1977." (See Minn. Stat. 626.846 Subd. 3.) The basic training course for officers in towns of over 1,000 are included in these requirements.

In the 1978 amendments of these statutes one of the major changes concerned law enforcement personnel in towns of 1,000 or less population. The new subdivision 626.846 Subd. 3(a) requires the POST Board to license "any peace officer who has received a permanent appointment prior to July 1, 1979 . . . in (towns) with a population of less than or equal to 1,000 . . . as if he met the licensing requirements of the board." This "grandfathering" provision requires the board to license all full and part-time officers in towns under 1,000. Therefore, there will be licensed law enforcement officers who have not completed the basic course and will not be required to qualify through a Rule 5 procedure. This anomaly of the statute is the source of some of the concern of part-time officers in towns of over 1,000 population. However, all law enforcement officers appointed to positions after July 1, 1979 must be trained without an exemption for towns under 1,000 population.

The general intent of the licensing legislation is to have all peace officers trained in law enforcement. The rule 4 MCAR 13.006,O, provides a procedure for verifying the knowledge and skills of part-time officers as described in the rule and the Statement of Need. Without this rule part time officers in towns of over 1,000 population who have not been trained would have to "forfeit their position." See Minn. Stat. 626.846 Subd. 2. Some Police Chiefs indicated at the Rules Hearing that this rule would cost these towns a considerable amount of money. This is true if these agencies hire full time, trained (licensed) officers to replace part-time officers. As an alternative to hiring full time officers or sending the part-time officers to the 8 week course, Rule O provides a reasonable way of qualifying the current officers. These part-time officers would have about 2 1/2 years to demonstrate:

1) their knowledge of Minnesota criminal and traffic law and related topics through passing the licensing examination;

2) their skills in handling firearms;

3) their first-aid skills; and

4) their eligibility for being hired as a peace officer through compliance with the selection standards.

In the original hiring of these officers, the selection standards should have been utilized. In the local training of the officers, first-aid, firearms and Minnesota law should have been the primary topics. Therefore, the well-trained part-time officers should be able to comply with Rule O without significant expense to the local agency.

In summary, Rule O permits current part-time officers in towns of over 1,000 population to maintain their current status for a period of time. They must demonstrate their knowledge and skills of law enforcement by January 1, 1981 by successfully passing the licensing examination. (Three attempts are permitted.) Without this rule, the POST Board could not license these officers under the current legislation. These unlicensed officers would be required to forfeit their positions which would seriously hamper many local agencies. Since the number of law enforcement personnel needed in most jurisdictions varies by day of the week and season of the year, it is reasonable for these agencies to utilize part-time officers. However, these officers need the skills and knowledges utilized by all law enforcement personnel.

MKS:DD:cl

**Advisory Council:**
Governor's Commission
on Crime Prevention
and Control

Serving Regional Development Commissions
5, 7 East and 7 West

RECEIVED
AUG 17 1978
OFFICE OF HEARING
EXAMINERS

RECEIVED
AUG 17 1978
MINN. PEACE OFFICER
TRAINING BOARD

Serving: Benton, Cass, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Stearns, Todd, Wadena and Wright Counties

TO: Mark Shields, Executive Director POST Board

FROM: Joseph J. Felix, Region D Criminal Justice Advisory Council

DATE: August 16, 1978

RE: Public Testimony form the Region D Criminal Justice Advisory Council

On August 2, 1978, the Region D Criminal Justice Advisory Council instructed me to relay to the POST Board their concerns as a public body dealing with criminal justice matters in a fourteen county area of central Minnesota. They wish to have the concerns presented in this letter offered as public testimony on August 24th at the public hearing on the Proposed Rules Governing the Selection, Training and Licensing of Peace Officers and Constables. This testimony does not preclude individuals either from the Region D Council or from any of the affected agencies served by Region D from offering individual testimony.

The concerns which the Region D Criminal Justice Advisory Council wishes to address fall into four areas.

1. Contrary to assurances from Ken Bentfield received earlier this year, regional public hearings have not been held. Our council is concerned that the POST Board has not enthusiastically sought the advice and opinion of law enforcement officers statewide. Our council wishes to reiterate their recommendation originally submitted to Mark Shields in a letter dated July 10, 1978 that "regional public hearings be held on all of the temporary rules which the Peace Officer Standards and Training Board is developing".

The failure to provide regional public hearings has shaken the confidence of many law enforcement officers. Many now feel that with no assurances of regional public hearings in the future that they must comment on issues which will not be tackled by the POST Board until later this year. Only by commenting now is there any prospect that they can legitimately influence the process of proposing rules. There are strong feelings that all disciplinary matters go through the department head, either the sheriff or the chief of police. There are strong feelings that all penalties and fines to personnel should be regulated by the local department and the local unit of government. Must these feelings be expressed inappropriately now, or will a forum be available in the future?

2. Our council has serious concerns about the ability of units of government to pay for implementing the mandated changes. In a small number of instances, locally elected officials have failed to fulfill their responsibility to provide effective law enforcement services to the people they represent. By far, though, the most serious problem has been the fiscal constraints which hamstring

the ability of local units of government to meet the needs they have identified. Because of the inability of some units of government to provide basic law enforcement services, serious problems have developed and a need has arisen to assure that all local jurisdictions are in compliance with minimum requirements. The local law enforcement official does not fear the move to professionalize his department. He has realized these changes were necessary, but was frustrated by the lack of resources to implement these changes. The rules which the POST Board is proposing are approached with apprehension not because of unprofessionalism, but because of the potential which exists for an even more serious strain on local law enforcement budgets. Our council hopes that whatever minimum standards are adopted statewide, some calculation should also be made by the state of the systemic changes and the financial repercussions these proposed rules produce.

The majority of the potential cost to units of government are not addressed by 4 MCAR 13.010. Officers who receive more training will demand higher salaries. Many of the functions in smaller jurisdictions which warrant only part-time personnel will find that officers to meet these needs will be more expensive and harder to recruit since an investment in training will lead these part-time candidates into full-time work.

3. Our council is concerned with the question of where the state's power to mandate rules becomes counterproductive. At what point does the desirable end of providing a minimal level of professional services become frustrated by administrative and bureaucratic regulations. The concept of diminishing returns is especially relevant to the consideration of the costs and benefits of regulation. As has been learned from other regulatory efforts, the costs of administering and regulating can quickly outweigh the increased benefits in services.

There is also a serious concern that because of regulatory provisions, higher education will become synonymous with professionalism in law enforcement. Our hope is that in the future, the higher education option remains only as an option and does not become the only opportunity for entrance and advancement in the field.

4. Our council is concerned that open-ended clauses within the proposed rules give administrative powers to the board which are above and beyond the provisions of Minnesota Statute 626.84, et seq. (Supp. 1977) as amended by Laws of 1978, ch. 691. In other areas at both state and federal level, the administrative powers of the regulating agency often come to frustrate the original legislative intent. In order to keep the possibility of this happening to a minimum, our council proposes that the Proposed Rules Governing the Selection, Training and Licensing of Peace Officers and Constables and any other rules proposed by the POST Board are worded as explicitly and specifically as possible. In all cases, the council hopes that flexibility is maximized for the units of government and their agencies, and minimized for those bodies which are established to regulate.

The concerns of the Region D Criminal Justice Advisory Council address general issues. They are offered with the hope that the concerns provide a context for

both the POST Board, and all interested parties who take advantage of the opportunity to submit data and comments on the proposed permanent rules. These are issues which should make specific comments more meaningful and enlightening. These issues are serious and the POST Board should give them serious thought. State regulation must be approached very cautiously. The dangers inherent in regulation both in terms of loss of freedom, and the withering of the motivation to deal responsibly with local issues must not be taken lightly. In this spirit, these concerns are submitted to the POST Board.

Please include the Region D Criminal Justice Advisory Council on the POST Board mailing list. We wish to be informed of all POST Board meetings.

JF/kmt

cc: Minnesota Sheriff's Association
Minnesota Chief's of Police Association
Sheriff's in Region D
Chief's of Police in Region D
Chairman, County Commissioners in Region D
State Legislators in Region D
Mayors and City Councils in Region D

the city of Bloomington minnesota

2215 WEST OLD SHAKOPEE ROAD–55431–(612)881-5811

STATE OF MINNESOTA

AUG 15 1978

DEPARTMENT OF ...

August 9, 1978

RECEIVED

AUG 16 1978

MINN. PEACE OFFICER TRAINING BOARD

Mr. Mark K. Shield, Executive Director
POST Board
5th Floor, Metro Square Bldg.
St. Paul, MN 55101

Dear Mr. Shields:

I am writing you in regard to the Proposed Rule Governing Selection, Training, and Licensing of Peace Officers and Constables, and specifically in reference to 4MCAR, paragraph 13.003, "Basic Course".

As you know, those agencies that will be charged with the implementation of the proposed rules are also charged with the implementation of Affirmative Action programs. I am of the opinion that the Board is in a unique position in which it may assist state and local law enforcement agencies with these programs and at the same time maintain or improve standards for the law enforcement community.

We have currently concluded a hearing regarding a charge of alleged sex discrimination. This allegation stems from the inability of a female applicant to complete a physical agility test. During the course of the hearing, the testimony of Dr. Robert Serfass, Professor of Exercise Physiology, University of Minnesota, indicated that many of the duties of a police officer can be acquired and/or improved by training. It would appear to be desirable to incorporate a component of physical training in the "Basic Course". While this may not appear to help the various jurisdictions in those instances where an individual is hired by a jurisdiction and then completes his/her training, I believe it certainly would be an assist in the selection of students enrolled in post-secondary programs, should a physical training component be mandated for certification.

Predicated on the findings of "Selecting Police Officers, A Study of Suburban Police by the Metro Area Management Association and the Metropolitan Council" a physical training curriculum is Strength, Conditioning, Coordination, and Balance would be highly desirable.

Thank you for your consideration in this matter.

Sincerely,

William R. Frane

William R. Frane
Director of Personnel &
Labor Relations

WRF:tm

C. ELMER ANDERSON
MAYOR

HOWARD H. BLANCK
PRESIDENT OF COUNCIL

RICHARD M. JOHNSON
CITY CLERK

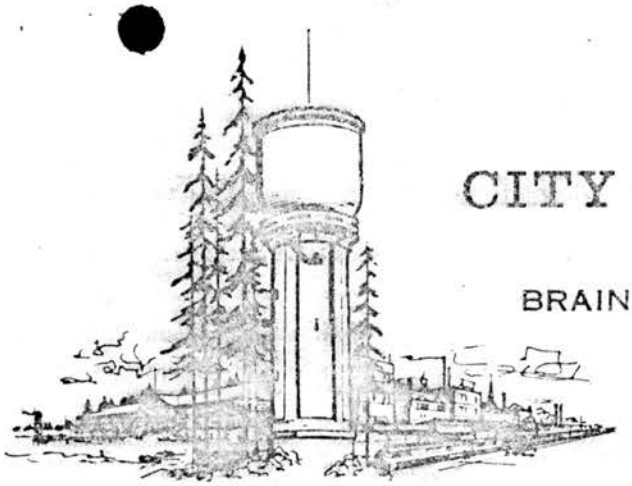
D. A. LARSON
CITY ATTORNEY

NORDICA C. THABES
CITY TREASURER

G. R. KRIHA
CITY ENGINEER

WAYNE HASTY
CHIEF OF POLICE

RAYMOND SHORTRIDGE
FIRE CHIEF



CITY OF BRAINERD
CITY HALL
BRAINERD, MINNESOTA 56401
(218) 829-2586

August 23, 1978

Mr. Mark Shields
Executive Director
Police Officer Standards and Training Board
St. Paul, MN

RE: Proposed Rules Governing the Selection, Training and Licensing of Peace Officers and Constables.

Dear Mr. Shields:

Please be advised the Brainerd City Council, at their meeting held August 21, 1978, endorsed the concerns developed by Mr. Joseph J. Felix, Region D Criminal Justice Advisory Council, dated August 15, 1978, in its entirety.

Attached for your information is a copy of said concerns.

Sincerely,

Richard M. Johnson

RICHARD M. JOHNSON
City Clerk

RMJ/aj

Enclosure

COUNCIL MEMBERS:

Howard H. Blanck AT LARGE | Denny Martin AT LARGE | Frank Murray AT LARGE | Mary Koep FIRST WARD | James E. Wallin SECOND WARD | James E. Brown THIRD WARD | Mildred Michaelis FOURTH WARD

Advisory Council:
Governor's Commission
on Crime Prevention
and Control

Serving Regional Development Commissions
5, 7 East and 7 West

Serving: Benton, Cass, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Stearns, Todd, Wadena and Wright Counties

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Please include the Region D Criminal Justice Advisory Council on the POST Board mailing list. We wish to be informed of all POST Board meetings.

JF/kmt

cc: Minnesota Sheriff's Association
Minnesota Chief's of Police Association
Sheriff's in Region D
Chief's of Police in Region D
Chairman, County Commissioners in Region D
State Legislators in Region D
Mayors and City Councils in Region D

Fitzgerald Chiropractic Clinic

RECEIVED
JUL 28 1978
OFFICE OF HEARING EXAMINERS

827-3583
3007 LYNDALE AVE. SOUTH
MINNEAPOLIS, MINNESOTA 55408

July 26, 1978

Natalia Gaull
Hearing Examiner
1745 University Avenue
St. Paul, Minnesota 55104

Dear Examiner:

Enclosed is a self explanatory photocopy of a letter I received from Attorney General Warren Spannus. As yet I have not heard from a representative of the Minnesota Department of Public Safety as I requested.

Mr. Joe Riegert of the Minneapolis Tribune reported a Peace Officer had sex relations with a juvenile prostitute off duty. Rape is not in question.

It was enlightening for me to find that a peace officer who has sworn to uphold the law has such immunity from the law.

For public protection it would seem an investigation by an agency outside the community the incident occurred would be in order.

How many other juveniles has this peace officer taken advantage of? The reasons stated by the officer for his action is one asking for psychiatric help. I think he should be accommodated. Law may not make people moral, but it should provide justice for the misused.

Sincerely,

Bob Fitzgerald

RECEIVED
JUL 28 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

July 3, 1978

TELEPHONE
(612) 296-6196

Robert E. Fitzgerald, D.C.
3007 Lyndale Avenue South
Minneapolis, Minnesota 55408

Dear Dr. Fitzgerald:

As discussed during our recent telephone conversation, Attorney General Warren Spannaus personally asked me to respond to your letter originally addressed to the Minneapolis Tribune relative to the content of one of Joe Rigert's articles on prostitution. Your comments and concerns are well taken and, perhaps, I can offer a few relevant remarks.

Pursuant to express statutory authority, in 1976 our office promulgated and adopted state-wide administrative rules which require that prior to receiving a permanent appointment every Minnesota peace officer must comply with certain minimum selection standards. One of those standards mandates that the officer be evaluated by a licensed psychologist in order to determine whether he or she is a proper candidate for law enforcement. Minn. Rule AttyGen 207(b) (7). Although our rules do not require that appointed individuals be periodically tested for their continued acceptability as peace officers, it is anticipated that each local agency or department will employ some form of re-evaluation when the conduct of one of its officers is challenged.

In accordance with this framework, neither our office nor the Minnesota Department of Public Safety has direct authority to intervene or investigate the type of incident mentioned in Mr. Rigert's article and your letter; rather it is the local appointing agency, its attorney, police commission or city council which is uniquely empowered to deal with the matter you have referred to us. Accordingly, I urge you to contact representatives of those officials in an effort to obtain an appropriate response to your concerns.

Thank you for taking the time to bring this matter to the attention of our office.

Very truly yours,

Richard G. Evans

RICHARD G. EVANS
Special Assistant
Attorney General

RGE:dml

AN EQUAL OPPORTUNITY EMPLOYER

region nine
development commission

RECEIVED
AUG 25 1978
OFFICE OF HEARING
EXAMINERS

August 23, 1978

Natalie Gaull
Hearing Examiner
1745 University Avenue
St. Paul, Minnesota 55104

Dear Ms. Gaull:

It has been brought to our attention that an existing program in the State may be eligible for certification by the P.O.S.T. Board as an acceptable means for Peace Officers to meet some of their continuing education requirements. This program is a 40 hour Crash Injury Management Course. The program has been implemented in compliance with federal guidelines, and is sanctioned by the State Departments of Health, Education and Public Safety. It is my understanding that the primary orientation of the program is toward Peace Officers.

The Emergency Medical Services Advisory Council of the Region Nine Development Commission has indicated their endorsement of this program and support its certification by the P.O.S.T. Board.

Sincerely,

Charles Burns
Criminal Justice Planner

Pamela Schmidt
Emergency Medical Services Project Director

jc

120 S. BROAD STREET / P.O. BOX 3367 / PHONE 507 387-5643 / MANKATO, MINNESOTA 56001

September 6, 1978

Dear Natalie Gaul;

I strongly protest any temporary or permanent rules concerning training or licensing of police officers and constables. It is impossible for small towns to hire a full-time policeman as the cost is far above their means. Furthermore, most of the people who are carrying on police work the few hours it is needed, are employed at another job. It would be impossible for them to leave their job, their needed wages and face the possibilty of losing a job for police training.

I assume city personel do not realize how well our small towns are policed without this training which would only put extra taxes and ruling on the towns.

If Minnesota does not discontinue forcing some of these issues, small towns will no longer have a peace officer in a few years.

Yours truly,

Roland Bierl

Hayfield, Minn.

STATE OF MINNESOTA
CRIME CONTROL PLANNING BOARD
6TH FLOOR, 444 LAFAYETTE ROAD
ST. PAUL 55101
TELEPHONE: (612) 296-3133

RECEIVED
SEP 13 1978
OFFICE OF HEARING EXAMINERS

September 13, 1978

Ms. Natalie Gaull, Hearing Examiner
1745 University Avenue
St. Paul, Mn. 55104

Dear Ms. Gaull:

The purpose of this letter is to state support for the rules proposed by the Minnesota Board of Peace Officer Standards and Training (4MCAR #13.001-13.020). I understand that a public hearing on these rules was held on August 24, 1978, and that the record is open for further comment until September 13, 1978. Although the Minnesota Crime Control Planning Board has not had the opportunity to review these specific rules, I personally would like to express general support for them.

From 1976 through 1977, staff of the Crime Control Planning Board conducted a major study of peace officer training in Minnesota and a final report with recommendations was issued in December 1977. These recommendations were adopted by our Board at its November 1977 meeting. I believe that the directions the POST Board has been taking and the rules proposed thus far are fully consistent with the recommendations from our study.

In 1977 the legislature created the Board of Peace Officer Standards and Training with broad powers relating to training and standards for Minnesota peace officers. The proposed rules are a step in the implementation of this legislative mandate. The Crime Control Planning Board recognizes that the issues with which the POST Board are dealing are controversial and emotional ones. Broad differences of opinion exist. Certainly individuals from our Board, staff and regions may differ on particular issues.

However, I do believe that the directions taken by the POST Board to date, as reflected in these proposed rules, will upgrade the quality of law enforcement services for Minnesota citizens while retaining important discretion and autonomy at the local level.

Sincerely,

Jacqueline Reis

JACQUELINE REIS
Executive Director

JR/mbc

cc: Mark Shields

RECEIVED
SEP 1978
OFFICE OF HEARING EXAMINERS

CITY OF WANDA
WANDA, MN

September 8, 1978

Natalie Gaul
Hearing Examiner
1745 University Ave.
St Paul, Mn 55104

Dear Natalie Gaul:

I strongly protest any temporary or permanent rules concerning training or licensing of police officers and constables. It is impossible for small cities to hire a full-time policeman as the cost is far above our budgets. Furthermore, most of the people doing police work the few hours it is needed, are employed at another job. It would be impossible for them to leave their job, their needed wages and face the possibility of losing a job for police training.

Probably large city personnel do not realize how well our small cities are policed without this training - training which would only put additional taxes and rulings on our small cities.

Minnesota must discontinue forcing some of these issues or small cities will soon end up with no peace officers.

Very truly yours,

Don Schumacher

Don Schumacher, Mayor
City of Wanda
Wanda, Mn 56294

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Mark K. Shields, hereby certify that I am secretary of the Board of Peace Officer Standards and Training, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Peace Officer Standards and Training duly and properly called and held on the 15th day of June, 1978; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Ralph W. Talbot, one of the members of the Board of Peace Officer Standards and Training, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board of Peace Officer Standards and Training relating to the selection, training and licensing of peace officers and constables, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as presiding officer at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20 day of December, 1978.

Mark K. Shields
Secretary

Ralph W. Talbot
Attest by one other officer

RECEIVED
SEP 11 1978
OFFICE OF HEARING
EXAMINERS

September 6, 1978

Dear Natalie Gaul;

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I assume city personel do not realize how well our small towns are policed without this training which would only put extra taxes and ruling on the towns.

If Minnesota does not discontinue forcing some of these issues, small towns will no longer have a peace officer in a few years.

Yours truly,

Vernon Schroeder

RECEIVED
SEP 11 1978
OFFICE OF HEARING
EXAMINERS

September 6, 1978

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Yours truly,

Bernard Eichten
Councilmen
Wanda Mirus
Box 325
56294

September 6, 1978

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Yours truly,

Police Officer

Warda, Minn.

Peace Officer Standards
and Training Board
Adopted Rules Governing
the Selection, Training
and Licensing of Peace
Officers and Constables

4 MCAR § 13.001 Introduction and scope. The Minnesota Board of Peace Officer Standards and Training, which is created pursuant to Minn. Stat. § 626.84 (Supp. 1977) et seq., as amended, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers and constables in the State of Minnesota. The following rules are adopted pursuant to that enabling legislation. See Minn. Stat. § 626.843.

4 MCAR § 13.002 Construction of terms.

A. Definitions. For the purpose of these rules the words, terms and phrases shall have the meanings hereafter given them, unless another intention clearly appears.

1. Agency: local or state law enforcement agency employing peace officers.

2. Appointing authority: executive head of the agency. In cases where there is no executive head or where the executive head is the sole member of the agency, "appointing authority" shall mean the public official, board, commission, or other person or groups of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers.

3. Basic course: a course including both academic and skills training which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been certified by the board.

4. Board: the Minnesota Board of Peace Officer Standards and Training.

5. Bureau: Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

6. Constable: as defined in Minn. Stat. § 367.40 subd. 3.

7. Deputy constable: as defined in Minn. Stat. § 367.40 subd. 4.

8. Director: director or head of a school.

9. Executive director: executive director of the board.

10. Field training: a program of on-the-job instruction and evaluation for new peace officers conducted by board-approved field training officers which meets or exceeds established guidelines of the board.

11. Field Training Officer (FTO): a licensed peace officer who is responsible for the field training and evaluation of new peace officers and who has met or exceeds the established requirements of the board regarding FTO qualifications.

12. Guest lecturer: a person who may be utilized from time to time for the purpose of providing specific expertise within a certified course of instruction.

13. Instructor: a person who is qualified to teach in a school.

14. Peace officer: as defined in Minn. Stat. § 626.84(c).

15. Permanent appointment: any peace officer who meets the requirements of Minn. Stat. § 626.846, subds. 1, 1(a), 3 or 3(a), and any constable who meets the requirements of Minn. Stat. § 626.845 subd. 2, shall be considered to have received a permanent appointment for the purposes of these rules.

16. Political subdivision: county, city, town, municipality or other similar political subdivision of the State of Minnesota.

17. Post-secondary program: an academic course of instruction in law enforcement at a college or university that has been certified by the board and which minimally includes the subject areas listed in § 13.003A.1.

18. Provisional certification: temporary approval given by the board which permits a school to operate for a period not to exceed one year, provided that the school substantially complies with the board's requirements for certification as set forth in § 13.005.

19. Reimbursement funds: legislatively appropriated funds made available to the board for use by political subdivisions to defray the cost of salaries, expenses and substitute protection incurred during the training of peace officers which shall be disbursed on an equal share basis to agencies which had peace officers successfully complete a basic course during the preceding fiscal year.

20. School: any training school or program certified by the board.

21. Skills Course: a course of training which minimally includes the subject areas listed in § 13.003A.2. and which must be successfully completed by an individual to be eligible to be licensed. The completion of a post-secondary program and a skills course is equivalent to the completion of the basic course.

~~a. The completion of a post-secondary program and a skills course is equivalent to the completion of the basic course.~~

B. Gender. Words used in the masculine gender shall include the feminine gender as well.

C. Singular and plural. Where appropriate, words used in the singular shall include the plural and words used in the plural shall include the singular.

4 MCAR § 13.003 Basic course.

A. The basic course minimally shall include the following subject areas.

1. Academic instruction in:

a. administration of justice;

b. Minnesota Statutes;

c. criminal law;

d. human behavior;

e. juvenile justice;

f. law enforcement operations and procedures.

2. Skills training in:

a. techniques of criminal investigation and testifying;

b. patrol functions;

c. traffic law enforcement;

d. firearms;

e. defensive tactics;

f. emergency vehicle driving;

g. criminal justice information systems;

h. first aid (see § 13.006 E.).

B. Participation or continued instruction in a particular subject area enumerated in § 13.003 A. may be waived by the director upon satisfactory evidence of approved equivalent training.

C. All basic courses shall comply with the minimum requirements set forth in § 13.003 A. and shall furnish such reasonable and necessary proof to the board to verify that the provisions of § 13.003 A. are being met. Nothing in these rules shall preclude any basic course from enacting regulations which establish standards of training above the minimum requirements set forth in § 13.003 A.

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D. Periodically the board may issue specific learning objectives applicable to the content of the minimum basic course as outlined in § 13.003 A.

E. Attendance shall be required of each student at all sessions of each basic course. Any student who is absent for more than one day of any basic course shall make up such course content to the satisfaction of the director.

F. The board shall determine the reasonable number of students to be enrolled in each class of a basic course.

G. Currently employed unlicensed peace officers applying for enrollment in any bureau sponsored basic course shall receive priority acceptance.

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

I. The director shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the basic course. Additionally, the director shall notify the board of all students who have successfully completed his school.

J. All basic courses shall be subject to periodic review and evaluation by the board.

4 MCAR § 13.004 Instructors.

A. All instructors who teach law enforcement courses in a school, post-secondary law enforcement program, or other course which has been approved by the board, shall possess an associate degree or greater from an accredited institution of higher learning, or have professionally recognized experience to teach the assigned subject matter.

B. These rules shall not preclude a certified school, program or course from utilizing guest lecturers.

4 MCAR § 13.005 Certification of post-secondary programs and schools.

A. All schools and post-secondary programs shall be reviewed periodically by the board and no certification shall issue unless the school or program files with the board satisfactory proof that the school or program will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities, and has qualified instructors. Further, the school or program shall also file with the board such other relevant information as it may require (e.g., lesson plans, course outlines, etc.).

B. The director of the school or program shall file all relevant information required by the board at least 30 days prior to commencement of each proposed course or program.

C. Upon receipt of a properly filed application, the board initially may grant provisional certification to a school until such time as an onsite evaluation and inspection has been completed.

4 MCAR § 13.006 Licensing of peace officers.

A. Pursuant to Minn. Stat. § 626.846, subds. 1-3(a), eligible peace officers shall be licensed by the board commencing July 1, 1978. Similarly, pursuant to Minn. Stat. § 367.41, subds. 2-5, and Minn. Stat § 626.845, subd. 2, eligible constables shall be licensed by the board commencing July 1, 1978.

B. Licenses shall remain valid for a period of not more than three years unless suspended or revoked in accordance with the provisions of Minn. Stat. ch. 214.

C. All peace officers whose last names begin with "A" through "G" shall be eligible to have their licenses renewed on July 1, 1980. Peace officers whose last names begin with "H" through "M" shall be eligible to have their licenses renewed on July 1, 1981. Peace officers whose last names begin with "N" through "Z" shall be eligible to have their licenses renewed on July 1, 1982.

D. All unlicensed peace officers, except as provided otherwise by § 13.006 F.-O. who are appointed subsequent to July 1, 1978 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of more than 1,000 according to the last federal census and constables appointed or elected subsequent to July 1, 1979, shall attend a basic course no later than within one year from the time of appointment or election.

1. All unlicensed peace officers, except as provided otherwise by § 13.006 F.-O, who are appointed subsequent to July 1, 1979 by any state county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of less than or equal to 1,000 according to the last federal census, shall attend a basic course no later than within one year from the time of appointment.

2. Each peace officer and constable enrolled in a basic course shall complete it within six months from the date of enrollment, unless the board grants an extension for compelling reasons.

E. Students shall furnish the board proof of successful completion of one of the following approved first aid courses:

1. Red Cross advanced first aid;

2. Crash Injury Management (CIM); or

3. Emergency Medical Technician (EMT).

The first aid course shall be successfully completed prior to termination of the prelicense probationary period.

F. Students who successfully complete a post-secondary program shall be eligible to take the academic portion of the peace officer licensing examination.

G. Students who successfully pass the academic portion of the peace officer licensing examination shall be eligible to enroll in a skills course. Upon successful completion of such skills course, a student shall be eligible to take the skills portion of the licensing examination. All persons enrolled in a skills course shall successfully complete that course within six months of the date of enrollment, unless the board grants an extension for compelling reasons, such as injury or sickness.

~~1. All persons enrolled in a skills course shall successfully complete that course within six months of the date of enrollment, unless the board grants an extension for compelling reasons.~~

H. Any student who successfully completes a post-secondary program which provides both academic and skills courses shall be allowed to take the entire peace officer licensing examination.

I. Upon successful completion of both portions of the peace officer licensing examination, a student shall be certified eligible for employment as a peace officer for a period of not more than one year. Any student who obtains employment as a peace officer shall be issued a license upon successful completion of a one-year probationary period with a single agency. Notification of successful completion of the probationary period shall be furnished to the board by the appropriate appointing authority.

~~1. Notification of successful completion of the probationary period shall be furnished to the board by the appropriate appointing authority.~~

J. Any unlicensed peace officer who successfully completes a basic course pursuant to these rules and who successfully completes a one-year probationary period with a single agency calculated from the date of successful completion of the basic course, shall be licensed as a peace officer by the board provided that the peace officer successfully completes the licensing examination within that period of time.

K. Peace officer licensing examinations shall be offered at least twice a year. The board shall establish the examination schedules. Any student or peace officer seeking to take either portion of the licensing examination shall submit a written application on a form provided by the board at least 30 days prior to the date of the examination. Each application shall be accompanied by the appropriate nonrefundable fee as set forth in § 13.007. Students or peace officers who fail the examination ~~may~~ shall be allowed to retake the examination two times upon furnishing to the board a renewed written application and appropriate fee; additional examinations shall be scheduled to accomodate such students and peace officers.

L. Inactive licenses. Licensed peace officers who have received a permanent appointment as defined in these rules, and who leave law enforcement in good standing shall be allowed to maintain the license in an inactive status provided they meet the requirements of § 13.007-13.008. Any person whose license is inactive and who

desires to re-enter law enforcement shall petition the board in writing and his appointing authority shall invoke the provisions of § 13.020 A, B. 1-7, and furnish the board with proof of their compliance.

M. Any peace officer who is certified and employed in good standing in another state shall be eligible for licensing in Minnesota provided that he:

1. successfully completes a peace officer licensing examination pursuant to § 13.006 K;

2. is employed within the State of Minnesota and complies with the provisions of § 13.020 B.; and

3. successfully completes a probationary period with a single agency of not less than one year.

N. All peace officers licenses shall remain the property of the board. A copy of the valid license shall be forwarded to the licensee, and such copy shall be surrendered to the board in the event that the license is suspended, revoked or becomes inactive.

O. A peace officer who prior to July 1, 1978, is employed by and receiving direct compensation from any state, county, municipality, or joint or contractual combination thereof with a population of more than 1,000 according to the last federal census, but who has not met the requirements of Minn. Stat. §§ 626.842-626.855 in effect on June 30, 1977, shall be licensed by the board when proof is provided that he has:

1. successfully completed a peace officer licensing examination no later than January 1, 1981;

2. complied with the provisions of § 13.020 B.;

3. qualified in the use of firearms; and

4. obtained first aid training in accordance with § 13.006 E.

4 MCAR § 13.007 Examination and license fees.

A. A nonrefundable fee of $25.00 shall be paid to the board prior to taking the peace officer license examination.

B. License fees shall be as follows:

1. Active: $10.00 for three years.

2. Inactive: $10.00 for three years.

4 MCAR § 13.008 Peace officer continuing education — training.

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

B. No peace officer's license shall be renewed unless the licensee or his appointing authority furnishes the board proof that the licensee has successfully completed at least 48 hours of board-approved training or education within the previous three-year license period.

1. Prior to being eligible to receive board approval, the course outline or lesson plans for a peace officer continuing education course shall be filed with the board. Additionally, the names and qualifications of each instructor and guest lecturer shall be provided to the board.

2. Approval for courses and/or programs for peace officer continuing education shall be based upon their relevance to knowledge, skills and abilities needed to be a peace officer. Subject areas shall be related to those topics enumerated in 4 MCAR § 13.003 A.(1) and (2).

C. The board may from time to time mandate specific courses and required minimum hours in requisite subject areas to insure continued protection of the public interest. Nothing contained herein shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education and/or training required by the board.

D. ~~This rule~~ 4 MCAR § 13.008 shall take effect July 1, 1979.

4 MCAR § 13.009 Field training. ~~Statement of purpose.~~ The board encourages and shall furnish assistance to all agencies which establish minimum requirements for field training of new peace officers.

4 MCAR § 13.010 Reimbursement program of the board.

A. Statement of purpose. An increase in the minimum number of weeks required for basic training of peace officers and constables has created additional costs to political subdivisions. The reimbursement program of the board is intended to assist political subdivisions paying the salary and expenses of peace officers who successfully complete a basic course and to help absorb the cost of providing substitute protection while peace officers are being trained. Accordingly, the following rules are promulgated pursuant to the authority vested in the board by Minn. Stat. § 626.843, subd. 3(d).

B. Any agency which meets the following criteria shall be eligible to receive reimbursement funds for the training of each officer successfully completing the basic course.

1. The agency shall have complied with the provisions of § 13.020 B prior to seeking reimbursement funds.

2. The agency or political subdivision shall not have required its peace officers to work while attending the basic course, unless such work was part of the training program.

3. The agency or political subdivision shall have completed and filed all pertinent reports required by the board.

C. Application for reimbursement funds shall be made on forms provided by the board.

1. Forms shall be submitted listing each peace officer who has successfully completed a basic course and for whom the political subdivision seeks reimbursement funds.

2. The application for reimbursement funds shall be submitted on behalf of the political subdivision by an official designated by resolution of the appropriate governing body. Verification of compliance with these rules shall accompany each application and shall be made in writing by the executive head of the agency.

3. Applications for reimbursement funds shall be submitted by the appropriate political subdivision within 60 days after receiving the requisite forms from the board.

D. Upon compliance with these rules and applicable statute, approval of the application shall be by the board or ~~its designee~~ the executive director. After the board or ~~its designee~~ the executive director has approved the reimbursement application, it shall recommend payment and promptly forward the request form through the appropriate state agencies for the disbursement of funds.

1. Upon approval, each political subdivision shall be entitled to reimbursement funds for each peace officer attending a basic school provided that the eligibility criteria enumerated in § 13.010 B have been met.

2. A political subdivision is not deemed eligible for reimbursement funds when it receives a subsidy from a state or federal agency or program to assist paying a student's salary; provided, that if no expenses are allowed under such program, the board may authorize reimbursement for actual expenses in an amount not to exceed $30.00 per week of training for each student.

3. Any award of reimbursement funds shall be conditioned upon the continued availability of such funds.

E. Disbursement of reimbursement funds by the board shall be as soon as possible after the close of board's fiscal year, and no later than 90 days from the end of the fiscal year.

F. When funds become available for reimbursement of mandated training other than basic courses, political subdivisions shall be entitled, upon approval of a proper

application, to share equally in such funds for each peace officer who completes such training, provided the eligibility criteria enumerated in § 13.010 B. have been met.

4 MCAR §§ 13.011-13.019 Reserved for future use.

4 MCAR § 13.020 New peace officers.

A. All agencies shall furnish the name, address, date of appointment and other pertinent information concerning a newly appointed peace officer to the executive director within 10 calendar days of such officer's appointment.

B. No agency shall appoint any new peace officer who does not comply with the following minimum selection standards; provided, that these standards shall not be construed to restrict an agency from adopting more rigid standards in the areas enumerated.

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

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

3. The applicant shall complete a comprehensive written application prior to hiring. The applicant shall be fingerprinted and a thorough background search shall be made through, but not limited to, the resources of local, state and federal agencies in order to disclose the existence of any criminal record or unacceptable conduct which would adversely affect the performance by the applicant of his duties as a peace officer.

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

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

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

7. The applicant shall successfully pass a job-related examination of his physical strength and agility demonstrating the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

8. The applicant shall successfully pass a written examination demonstrating the possession of all mental skills necessary for the accomplishment of the duties and functions of a peace officer.

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

C. Periodically the board may make specific recommendations applicable to the implementation of the minimum selection standards set forth in § 13.020 B.

D. ~~Potential~~ Penalties for noncompliance with the minimum selection standards set forth in this rule include:

1. denial of entrance into the bureau basic course;

2. denial of reimbursement funds as specified in § 13.010; and

3. denial of licensure. ~~; and~~

~~4. Other appropriate remedies as provided under Minn. Stat. §§ 214.10 and 214.11.~~

BOARD EX. 5
RECEIVED
1978
OFFICE OF HEARING EXAMINERS



Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.



The Native American in Minnesota is believed to be the descendent of a race which migrated from Asia some 12,000 years ago. The Indians encountered by the first white explorers in the region were probably members of the Dakota nation. Minnesota's name, which means "sky-tinted waters," and the names of many of our cities, towns, rivers and lakes are an example of the influence of the Indian in the state's development. Today the majority of Minnesota's 24,000 Indians, mostly Chippewa, live on tribal reservations and in the Twin Cities area.

# Peace Officer Standards and Training Board

## Proposed Temporary Rules and Proposed Permanent Rules Governing the Selection, Training and Licensing of Peace Officers and Constables

### Notice of Opportunity for Public Comment

The Minnesota Board of Peace Officer Standards and Training (POST Board) has proposed the following temporary rules for the purpose of effectively implementing the provisions of Minn. Stat. § 626.84. *et seq.* (Supp. 1977), as amended by Laws of 1978, ch. 681.

All interested parties are hereby afforded the opportunity to submit data and comments on these proposed temporary rules for 20 days after publication of this material in the *State Register* by writing to Mark K. Shields, Executive Director, POST Board, 5th Floor Metro Square Building, St. Paul, Minnesota 55101.

Any written material received by the POST Board shall become part of the hearing record in the final adoption of the temporary rules.

These rules supersede the rules published at *State Register*, Volume 2, Number 49, p. 2233, June 12, 1978 (2 S.R. 2233) as proposed temporary rules.

### Order for Hearing

It is hereby ordered that a public hearing on the proposed permanent rules of the Peace Officer Standards and Training Board be held in Room 83 of the State Office Building, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on the 24th day of August, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

It is further ordered that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

It is further ordered that the Notice of Hearing be published in the *State Register*.

Mark K. Shields
Executive Director

July 10, 1978

## Notice of Hearing

Notice is hereby given that a public hearing on the proposed permanent rules of the Peace Officer Standards and Training Board will be held in the State Office Building Auditorium, Room 83, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on Thursday, August 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Natalie Gaull, Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8114, either before the hearing or within twenty (20) days after the close of the hearing.

The proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. In addition, the proposed rules establish the reimbursement program of the Minnesota Board of Peace Officer Standards and Training (POST Board). Copies of the proposed rules are now available and one (1) free copy may be obtained by writing to: POST Board, 5th Floor Metro Square Building, Saint Paul, Minnesota 55101, telephone (612) 296-2620. Additional copies will be available at the door on the date of the hearing. The POST Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 626.843 subd. 1 (Supp. 1977), as amended by Laws of 1978, ch. 681, § 9. A Statement of Need explaining why the board feels the proposed rules are necessary and a Statement of Evidence outlining the testimony it will be introducing will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available at that location for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1976), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual.

July 10, 1978

Mark K. Shields
Executive Director

Proposed temporary rules 4 MCAR §§ 13.001-13.020 and proposed permanent rules 4 MCAR §§ 13.001-13.020 are identical.



## Rules as Proposed

**4 MCAR § 13.001 Introduction and scope.** The Minnesota Board of Peace Officer Standards and Training, which is created pursuant to Minn. Stat. § 626.84 (Supp. 1977) *et seq.*, as amended, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers and constables in the State of Minnesota. The following rules are adopted pursuant to that enabling legislation. See Minn. Stat. § 626.843.

**4 MCAR § 13.002 Construction of terms.**

A. Definitions. For the purpose of these rules the words, terms and phrases shall have the meanings hereafter given them, unless another intention clearly appears.

1. Agency: local or state law enforcement agency employing peace officers.

2. Appointing authority: executive head of the agency. In cases where there is no executive head or where the executive head is the sole member of the agency, "appointing authority" shall mean the public official, board, commission, or other person or groups of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers.

3. Basic course: a course including both academic and skills training which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been certified by the board.

4. Board: the Minnesota Board of Peace Officer Standards and Training.

5. Bureau: Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

6. Constable: as defined in Minn. Stat. § 367.40 subd. 3.

7. Deputy constable: as defined in Minn. Stat. § 367.40 subd. 4.

8. Director: director or head of a school.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

4 MCAR § 13.002

9. Executive director: executive director of the board.

10. Field training: a program of on-the-job instruction and evaluation for new peace officers conducted by board-approved field training officers which meets or exceeds established guidelines of the board.

11. Field Training Officer (FTO): a licensed peace officer who is responsible for the field training and evaluation of new peace officers and who has met or exceeds the established requirements of the board regarding FTO qualifications.

12. Guest lecturer: a person who may be utilized from time to time for the purpose of providing specific expertise within a certified course of instruction.

13. Instructor: a person who is qualified to teach in a school.

14. Peace officer: as defined in Minn. Stat. § 626.84(c).

15. Permanent appointment: any peace officer who meets the requirements of Minn. Stat. § 626.846, subds. 1, 1(a), 3 or 3(a), and any constable who meets the requirements of Minn. Stat. § 626.845 subd. 2, shall be considered to have received a permanent appointment for the purposes of these rules.

16. Political subdivision: county, city, town, municipality or other similar political subdivision of the State of Minnesota.

17. Post-secondary program: an academic course of instruction in law enforcement at a college or university that has been certified by the board and which minimally includes the subject areas listed in § 13.003A.1.

18. Provisional certification: temporary approval given by the board which permits a school to operate for a period not to exceed one year, provided that the school substantially complies with the board's requirements for certification as set forth in § 13.005.

19. Reimbursement funds: legislatively appropriated funds made available to the board for use by political subdivisions to defray the cost of salaries, expenses and substitute protection incurred during the training of peace officers which shall be disbursed on an equal share basis to agencies which had peace officers successfully complete a basic course during the preceding fiscal year.

20. School: any training school or program certified by the board.

21. Skills Course: a course of training which minimally includes the subject areas listed in § 13.003A.2. and which must be successfully completed by an individual to be eligible to be licensed.

a. The completion of a post-secondary program and a skills course is equivalent to the completion of the basic course.

B. Gender. Words used in the masculine gender shall include the feminine gender as well.

C. Singular and plural. Where appropriate, words used in the singular shall include the plural and words used in the plural shall include the singular.

**4 MCAR § 13.003 Basic course.**

A. The basic course minimally shall include the following subject areas.

1. Academic instruction in:

a. administration of justice;

b. Minnesota Statutes;

c. criminal law;

d. human behavior;

e. juvenile justice;

f. law enforcement operations and procedures.

2. Skills training in:

a. techniques of criminal investigation and testifying;

b. patrol functions;

c. traffic law enforcement;

d. firearms;

e. defensive tactics;

f. emergency vehicle driving;

g. criminal justice information systems;

h. first aid (see § 13.006 E.).

B. Participation or continued instruction in a particular subject area enumerated in § 13.003 A. may be waived by the director upon satisfactory evidence of approved equivalent training.

C. All basic courses shall comply with the minimum requirements set forth in § 13.003 A. and shall furnish such reasonable and necessary proof to the board to verify that the provisions of § 13.003 A. are being met.

1. Nothing in these rules shall preclude any basic course from enacting regulations which establish standards of training above the minimum requirements set forth in § 13.003 A.

D. Periodically the board may issue specific learning objectives applicable to the content of the minimum basic course as outlined in § 13.003 A.

E. Attendance shall be required of each student at all sessions of each basic course. Any student who is absent for more than one day of any basic course shall make up such course content to the satisfaction of the director.

F. The board shall determine the reasonable number of students to be enrolled in each basic course.

G. Currently employed unlicensed peace officers applying for enrollment in any bureau sponsored basic course shall receive priority acceptance.

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

I. The director shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the basic course. Additionally, the director shall notify the board of all students who have successfully completed his school.

J. All basic courses shall be subject to periodic review and evaluation by the board.

**4 MCAR § 13.004 Instructors.**

A. All instructors who teach law enforcement courses in a school, post-secondary law enforcement program, or other course which has been approved by the board, shall possess an associate degree or greater from an accredited institution of higher learning, or have professionally recognized experience to teach the assigned subject matter.

B. These rules shall not preclude a certified school, program or course from utilizing guest lecturers.

**4 MCAR § 13.005 Certification of post-secondary programs and schools.**

A. All schools and post-secondary programs shall be reviewed periodically by the board and no certification shall issue unless the school or program files with the board satisfactory proof that the school or program will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities, and has qualified instructors. Further, the school or program shall also file with the board such other relevant information as it may require (e.g., lesson plans, course outlines, etc.).

B. The director of the school or program shall file all relevant information required by the board at least 30 days prior to commencement of each proposed course or program.

C. Upon receipt of a properly filed application, the board initially may grant provisional certification to a school until such time as an onsite evaluation and inspection has been completed.

**4 MCAR § 13.006 Licensing of peace officers.**

A. Pursuant to Minn. Stat. § 626.846, subds. 1-3(a), eligible peace officers shall be licensed by the board commencing July 1, 1978. Similarly, pursuant to Minn. Stat. § 367.41, subds. 2-5, and Minn. Stat. § 626.845, subd. 2, eligible constables shall be licensed by the board commencing July 1, 1978.

B. Licenses shall remain valid for a period of not more than three years unless suspended or revoked in accordance with the provisions of Minn. Stat. ch. 214.

C. All peace officers whose last names begin with "A" through "G" shall be eligible to have their licenses renewed on July 1, 1980. Peace officers whose last names begin with "H" through "M" shall be eligible to have their licenses renewed on July 1, 1981. Peace officers whose last names begin with "N" through "Z" shall be eligible to have their licenses renewed on July 1, 1982.

D. All unlicensed peace officers, except as provided otherwise by § 13.006 F.-O. who are appointed subsequent to July 1, 1978 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of more than 1,000 according to the last federal census and constables appointed or elected subsequent to July 1, 1979, shall attend a basic course no later

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than within one year from the time of appointment or election.

1. All unlicensed peace officers, except as provided otherwise by § 13.006 F.-O. who are appointed subsequent to July 1, 1979 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of less than or equal to 1,000 according to the last federal census, shall attend a basic course no later than within one year from the time of appointment.

2. Each peace officer and constable enrolled in a basic course shall complete it within six months from the date of enrollment, unless the board grants an extension for compelling reasons.

E. Students shall furnish the board proof of successful completion of one of the following approved first aid courses:

1. Red Cross advanced first aid;

2. Crash Injury Management (CIM); or

3. Emergency Medical Technician (EMT).

The first aid course shall be successfully completed prior to termination of the prelicense probationary period.

F. Students who successfully complete a post-secondary program shall be eligible to take the academic portion of the peace officer licensing examination.

G. Students who successfully pass the academic portion of the peace officer licensing examination shall be eligible to enroll in a skills course. Upon successful completion of such skills course, a student shall be eligible to take the skills portion of the licensing examination.

1. All persons enrolled in a skills course shall successfully complete that course within six months of the date of enrollment, unless the board grants an extension for compelling reasons.

H. Any student who successfully completes a post-secondary program which provides both academic and skills courses shall be allowed to take the entire peace officer licensing examination.

I. Upon successful completion of both portions of the peace officer licensing examination, a student shall be certified eligible for employment as a peace officer for a period of not more than one year. Any student who obtains employment as a peace officer shall be issued a license upon successful completion of a one-year probationary period with a single agency.

1. Notification of successful completion of the probationary period shall be furnished to the board by the appropriate appointing authority.

J. Any unlicensed peace officer who successfully completes a basic course pursuant to these rules and who successfully completes a one-year probationary period with a single agency calculated from the date of successful completion of the basic course, shall be licensed as a peace officer by the board provided that the peace officer successfully completes the licensing examination within that period of time.

K. Peace officer licensing examinations shall be offered at least twice a year. The board shall establish the examination schedules. Any student or peace officer seeking to take either portion of the licensing examination shall submit a written application on a form provided by the board at least 30 days prior to the date of the examination. Each application shall be accompanied by the appropriate nonrefundable fee as set forth in § 13.007. Students or peace officers who fail the examination may be allowed to retake the examination two times upon furnishing to the board a renewed written application and appropriate fee.

L. Inactive licenses. Licensed peace officers who have received a permanent appointment as defined in these rules, and who leave law enforcement in good standing shall be allowed to maintain the license in an inactive status provided they meet the requirements of § 13.007-13.008. Any person whose license is inactive and who desires to re-enter law enforcement shall petition the board in writing and his appointing authority shall invoke the provisions of § 13.020 A, B.1-7, and furnish the board with proof of their compliance.

M. Any peace officer who is certified and employed in good standing in another state shall be eligible for licensing in Minnesota provided that he:

1. successfully completes a peace officer licensing examination pursuant to § 13.006 K;

2. is employed within the State of Minnesota and complies with the provisions of § 13.020 B.; and

3. successfully completes a probationary period with a single agency of not less than one year.

N. All peace officers licenses shall remain the property of the board. A copy of the valid license shall be forwarded to the licensee, and such copy shall be surrendered to the board in the event that the license is suspended, revoked or becomes inactive.

O. A peace officer who prior to July 1, 1978, is employed by and receiving direct compensation from any

state, county, municipality, or joint or contractual combination thereof with a population of more than 1,000 according to the last federal census, but who has not met the requirements of Minn. Stat. §§ 626.841-626.855 in effect on June 30, 1977, shall be licensed by the board when proof is provided that he has:

1. successfully completed a peace officer licensing examination no later than January 1, 1981;

2. complied with the provisions of § 13.020 B.;

3. qualified in the use of firearms; and

4. obtained first aid training in accordance with § 13.006 E.

**4 MCAR § 13.007 Examination and license fees.**

A. A nonrefundable fee of $25.00 shall be paid to the board prior to taking the peace officer license examination.

B. License fees shall be as follows:

1. Active: $10.00 for three years.

2. Inactive: $10.00 for three years.

**4 MCAR § 13.008 Peace officer continuing education — training.**

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

B. No peace officer's license shall be renewed unless the licensee or his appointing authority furnishes the board proof that the licensee has successfully completed at least 48 hours of board-approved training or education within the previous three-year license period.

1. Prior to being eligible to receive board approval, the course outline or lesson plans for a peace officer continuing education course shall be filed with the board. Additionally, the names and qualifications of each instructor and guest lecturer shall be provided to the board.

C. The board may from time to time mandate specific courses and required minimum hours to insure continued protection of the public interest. Nothing contained herein shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education and/or training required by the board.

D. This rule shall take effect July 1, 1979.

**4 MCAR § 13.009 Field training.** Statement of purpose. The board encourages and shall furnish assistance to all agencies which establish minimum requirements for field training of new peace officers.

**4 MCAR § 13.010 Reimbursement program of the board.**

A. Statement of purpose. An increase in the minimum number of weeks required for basic training of peace officers and constables has created additional costs to political subdivisions. The reimbursement program of the board is intended to assist political subdivisions paying the salary and expenses of peace officers who successfully complete a basic course and to help absorb the cost of providing substitute protection while peace officers are being trained. Accordingly, the following rules are promulgated pursuant to the authority vested in the board by Minn. Stat. § 626.843, subd. 3(d).

B. Any agency which meets the following criteria shall be eligible to receive reimbursement funds for the training of each officer successfully completing the basic course.

1. The agency shall have complied with the provisions of § 13.020 B prior to seeking reimbursement funds.

2. The agency or political subdivision shall not have required its peace officers to work while attending the basic course, unless such work was part of the training program.

3. The agency or political subdivision shall have completed and filed all pertinent reports required by the board.

C. Application for reimbursement funds shall be made on forms provided by the board.

1. Forms shall be submitted listing each peace officer who has successfully completed a basic course and for whom the political subdivision seeks reimbursement funds.

2. The application for reimbursement funds shall be submitted on behalf of the political subdivision by an official designated by resolution of the appropriate governing body. Verification of compliance with these rules shall ac-

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

company each application and shall be made in writing by the executive head of the agency.

3. Applications for reimbursement funds shall be submitted by the appropriate political subdivision within 60 days after receiving the requisite forms from the board.

D. Upon compliance with these rules and applicable statute, approval of the application shall be by the board or its designee. After the board or its designee has approved the reimbursement application, it shall recommend payment and promptly forward the request form through the appropriate state agencies for the disbursement of funds.

1. Upon approval, each political subdivision shall be entitled to reimbursement funds for each peace officer attending a basic school provided that the eligibility criteria enumerated in § 13.010 B have been met.

2. A political subdivision is not deemed eligible for reimbursement funds when it receives a subsidy from a state or federal agency or program to assist paying a student's salary; provided, that if no expenses are allowed under such program, the board may authorize reimbursement for actual expenses in an amount not to exceed $30.00 per week of training for each student.

3. Any award of reimbursement funds shall be conditioned upon the continued availability of such funds.

E. Disbursement of reimbursement funds by the board shall be after the close of board's fiscal year.

F. When funds become available for reimbursement of mandated training other than basic courses, political subdivisions shall be entitled, upon approval of a proper application, to share equally in such funds for each peace officer who completes such training, provided the eligibility criteria enumerated in § 13.010 B. have been met.

**4 MCAR §§ 13.011-13.019 Reserved for future use.**

**4 MCAR § 13.020 New peace officers.**

A. All agencies shall furnish the name, address, date of appointment and other pertinent information concerning a newly appointed peace officer to the executive director within 10 calendar days of such officer's appointment.

B. No agency shall appoint any new peace officer who does not comply with the following minimum selection standards; provided, that these standards shall not be construed to restrict an agency from adopting more rigid standards in the areas enumerated.

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

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

3. The applicant shall complete a comprehensive written application prior to hiring. The applicant shall be fingerprinted and a thorough background search shall be made through, but not limited to, the resources of local, state and federal agencies in order to disclose the existence of any criminal record or unacceptable conduct which would adversely affect the performance by the applicant of his duties as a peace officer.

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

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

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

7. The applicant shall successfully pass a job-related examination of his physical strength and agility demonstrating the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

8. The applicant shall successfully pass a written examination demonstrating the possession of all mental skills necessary for the accomplishment of the duties and functions of a peace officer.

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

C. Periodically the board may make specific recommendations applicable to the implementation of the minimum selection standards set forth in § 13.020 B.

D. Potential penalities for noncompliance with the minimum selection standards set forth in this rule include:

1. denial of entrance into the bureau basic course;

2. denial of reimbursement funds as specified in § 13.010;

3. denial of licensure; and

4. other appropriate remedies as provided under Minn. Stat. §§ 214.10 and 214.11.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption of the Rules of the Minnesota Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers and Constables.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Natalie L. Gaull, duly appointed as Hearing Examiner, on August 24, 1978, in Room 83, State Office Building, Saint Paul, Minnesota 55155, at 9:00 a.m.

This proceeding is a rules hearing held pursuant to Minn. Stat. Chapter 15, to determine whether the proposed rules should be adopted. Copies of this Report are available for review from the Board of Peace Officer Standards and Training (hereinafter "the Board") and from the Office of Hearing Examiners.

Members of the agency panel included: Norman B. Coleman, Special Assistant Attorney General; John D. Tierney; Paul J. Tschida; Don Peterson; State Senator William McCutcheon; State Representative Donald M. Moe; State Representative Arlene Lehto; Mark K. Shields; Dale Dysinger; Ralph Olmos. Fifty-seven persons were present at the hearing and signed the register. Six persons spoke at the hearing. Approximately ten written comments were received by the Examiner subsequent to the issuance of the Order for Hearing and prior to the close of the record.

Pursuant to Minn. Stat. Sec. 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. Sec. 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all of the testimony, exhibits and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On July 26, 1978, the Board filed the Affidavit of Mailing with the Office of Hearing Examiners.

2. On July 31, 1978, the Board filed the Statement of Need and Statement of Evidence with the Office of Hearing Examiners.

3. On August 17, 1978, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The proposed rule;
(d) The Certificate of Delivery of the Secretary of State's list; and
(e) The Affidavit of Receipt of the Secretary of State's list.

4. All of the above documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. On July 17, 1978, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 52.

6. On July 19, 1978, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State.

7. The record remained open through September 13, 1978 for the receipt of written comments and statements.

8. The Board cites as authority for the proposed rule Minn. Stat. Sec. 626.84 (Supp. 1977) et seq. The Examiner finds that within that Chapter, Minn. Stat. Sec. 626.843, subd. 1, authorizes the Board to adopt rules with respect to certification of peace officer training schools, programs for minimum courses of study, attendance requirements, equipment and facilities to be required at each certified peace officer training school; minimum qualifications for instructors at certified peace officer training schools; minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of peace officers within the state; minimum basic training which peace officers are appointed to temporary or probationary terms shall complete before being eligible for permanent appointments; and related matters. Although the Board cited the chapter as a whole rather than specific sections of the chapter as its authority, the Examiner finds that Minn. Stat. Sec. 626.843, establishes sufficient authority in the Board to promulgate the proposed rules and that the specific sections are mentioned in the Statement of Need.

9. The written and oral comments made in response to these proposed rules were directed more to general issues than to specific provisions of the rules. There appears to be considerable concern that the rules were formulated to fit the metropolitan areas with little consideration given to the situation of outstate areas. For example, several comments were concerned with the application fo these requirements to part time officers who make up a large portion of many outstate police forces. Some comments indicated that part time officers could not reasonably be expected to make the commitment of time necessary to fulfill these requirements. Other comments were deeply concerned about the expense of training full and/or part time officers. Other comments indicated that local training standards were adequate without the interference of the state. It should also be noted that positive comments were received by the Examiner.

10. The Hearing Examiner incorporates by reference the Statement of Need which is attached hereto.

11. 4 MCAR Sec. 13.001 defines the scope of the proposed rules as governing the selection, training and licensing of peace officers and constables in the State of Minnesota. This section is necessary and reasonable in order to establish the scope of the rule.

12. 4 MCAR Sec. 13.002 contains definitions. There was no comment at the hearing with regard to any of the definitions. The section is necessary and reasonable in order that those persons who refer to the rule will have a common understanding of their meaning.

13. 4 MCAR Sec. 13.003 deals with the basic course. Section A. sets forth the minimum subject areas and skills training which will be included in the course. Section B. provides for a waiver of a particular student's participation in a given subject area upon satisfactory evidence of approved equivalent training. Section C. requires basic courses to verify that they are meeting the provisions of Sec. 13.003 A. in order for the Board to maintain quality control over multiple programs. The Examiner notes that there is a subsection C.1. which is not followed by a subsection 2. This should be amended to conform to appropriate outline form. Section D. provides that the Board may periodically issue specific learning objectives applicable to the content of the course. The Board indicates in its Statement of Need that this is necessary because of changes which occur in the law enforcement field. The Examiner believes that the term "learning objectives" is not clear and that "curriculum" may be more specific. Section E. requires attendance of each student at all sessions of each basic course. Section F. requires the Board to determine the reasonable number of students to be enrolled in each basic course. The Examiner notes that it is unclear whether the Board intends to establish the maximum number for each subject area of the course or the maximum number in each class at each location where the course is given. Section G. provides priority acceptance in basic courses for currently employed unlicensed peace officers. Section H. provides that all students must be physically and psychologically capable of complete participation in all basic course activities. Section I. provides that the director shall be responsible for maintaining and making available to the Board in pertinent information on all classes conducted in the basic course. Section J. provides for periodic review and evaluation by the Board of all basic courses.

The Examiner finds that the rule as proposed is reasonable and necessary.

14. 4 MCAR Sec. 13.004 deals with instructors. Section A. provides that all instructors shall possess an associate degree or greater from an accredited institution of higher learning or have professionally recognized experience to teach the assigned subject matter. Section B. provides that a certified school shall not be precluded from utilizing guest lecturers. The Examiner finds that this rule is reasonable and necessary in order to insure the quality of the faculty at such basic courses and to provide flexibility to these courses.

15. 4 MCAR Sec. 13.005 deals with certification of post-secondary programs and schools. Section A. provides for periodic review of all schools

and post-secondary programs to insure that the school or program meets the minimum requirements. Section B. provides that the director shall file all information required by the Board at least 30 days prior to commencement of each proposed course or program. Section C. provides that the Board may initially grant provisional certification to a school until a onsite evaluation and inspection has been completed. The Examiner finds that the rule is reasonable and necessary as proposed.

16. 4 MCAR Sec. 13.006 deals with the licensing of peace officers. Section A. provides that all peace officers shall be licensed commencing July 1, 1978, pursuant to Minn. Stat. Sec. 626.846, subd. 1 - 3(a) and that constables shall be licensed commencing July 1, 1978, pursuant to Minn. Stat. Sec. 367.41, subd. 2 - 5 and Sec. 626.845, subd. 2. Section B. provides that licenses shall remain valid for a period of not more than three years unless suspended or revoked. Section C. provides a method by which licenses will be renewed on a three year cycle. Section D. provides attendance requirements at a basic course for peace officers appointed after July 1, 1978. Section E. requires certain first aid courses. Section F. provides that students who successfully complete a post-secondary program shall be eligible to take the academic portion of the peace officer licensing examininination. Section G. provides that students who successfully pass the academic portion of the peace officer licensing examination shall be eligible to enroll in a skills course. It also requires completion of the skills course within six months of the date of enrollment, unless an extension is granted for compelling reasons. The Examiner notes that Section G.1. does not have a Section G.2. and, thus, is not in a proper outline form. The Examiner also suggests that the term "compelling reasons" is not clear. Section H. provides that any student who successfully completes a post-secondary program which provides both academic and skills courses shall be allowed to take the entire peace officer licensing exam. Section I. requires that after completion of both portions of the exam, the student shall be issued a license after successful completion of a one year probationary period with a single agency. Once again, it is noted that this Section is not in proper outline form. The Examiner also notes some concern with regard to requiring a one year probationary period with a single agency. It is entirely possible that an otherwise well-qualified officer might fail to complete a one year period with a single agency due to circumstances wholly outside of his control and unrelated to his qualifications for licensure. If the period for fulfilling the one year requirement were expanded to two years, the Examiner believes such situations could be accommodated without constituting substantial change. Section J. provides that any unlicensed peace officer who successfully completes a basic course and successfully completes a one year probationary period with a single agency shall be licensed as a peace officer provided he successfully completes the licensing examination within that period. Section K. provides that peace officer licensing examinations shall be offered at least twice a year and requires a written application to the Board at least 30 days prior to the date of examination. At the hearing, the final sentence of Section K. was amended to read as follows:

Students or peace officers who fail the examination ~~may~~ shall be allowed to retake the examination two times upon furnishing to the Board a written application and appropriate fee; additional examinations shall be scheduled to accommodate such students and peace officers

Section L. provides that licenses may be placed on inactive status if certain requirements are met. Section M. deals with licensing of peace officers certified and employed in good standing in another state who come to Minnesota. Section N. provides that all peace officer licenses shall remain the property of the Board. Section O. provides that a peace officer who is employed prior to July 1, 1978, who has not met the licensing requirements set forth by statute may be licensed by the Board after complying with certain conditions. The Examiner finds that this rule is necessary and reasonable.

17. 4 MCAR 13.007 provides a $25 examination fee and $10 license fee. The Examiner finds that this rule as proposed is necessary and reasonable.

18. 4 MCAR Sec. 13.008 deals with peace officer continuing education and training. Section A. states that the purpose of the program is to promote and insure the professional competence of licensees. Section B. provides that renewal of peace officers' licenses shall be subject to successful completion of 48 hours of Board approved training within the previous three year license period. The Board proposes to amend 4 MCAR Sec. 13.008 B. by the addition of a subsection B.2. as follows:

2. Approval for courses and/or programs for peace officer continuing education shall be based upon their relevance to knowledge, skills and abilities needed to be a peace officer. Subject areas shall be related to those topics enumerated in 4 MCAR Sec. 13.003 A.(1) and (2).

Section C. provides that the board may mandate specific courses to insure continued protection of the public interest. The Board proposes to amend 4 MCAR Sec. 13.008 C. as follows:

The Board may from time to time mandate specific courses and required minimum hours in requisite subject areas to insure continued protection of the public interest. . . .

The Board proposes to amend Section D. as follows:

D. ~~This rule~~ 4 MCAR Sec. 13.008 shall take effect July 1, 1979.

The Examiner finds that the rule as proposed is necessary and reasonable.

19. 4 MCAR Sec. 13.009 deals with field training and provides that the Board encourages and shall furnish assistance to all agencies which establish minimum requirements for field training of new peace officers. The Examiner finds that the inclusion of the "Statement of Purpose" language seems unnecessary and unclear. The Examiner finds that the rule is reasonable and necessary as proposed.

20. 4 MCAR Sec. 13.010 deals with the reimbursement program of the Board. Section A. is the Statement of Purpose which provides that the reimbursement program is intended to assist political subdivisions in paying the salary and expenses of peace officers who successfully complete the basic course, and to help absorb the cost of substitute protection while they are being trained. Section B. sets forth the criteria for eligibility to receive

reimbursement funds. Section C. sets forth the procedure for application for reimbursements on forms to be provided by the Board. The Board proposes to amend Section D. as follows:

> D. Upon compliance with these rules and applicable statute, approval of the application shall be by the Board or ~~its designee~~ the executive director. After the Board or ~~its designee~~ the executive director has approved the reimbursement application, it shall recommend payment and promptly forward the request form through the appropriate state agencies for the disbursement of funds.

Section E. provides the disbursement of reimbursement funds by the Board shall be after the close of the Board's fiscal year. The Examiner finds this language unclear and questions whether some additional limitations with regard to how soon after the close of the Board's fiscal year disbursement will be made ought to be included. Section F. provides that when funds become available for reimbursement of training other than basic courses, political subdivisions shall be entitled to share equally in such funds for each peace officer who completes such training. The Examiner finds that this rule as proposed is reasonable and necessary.

21. 4 MCAR Sec. 13.020 deals with new peace officers. Section A. provides that agencies shall furnish the name and other pertinent information about newly appointed peace officers to the executive director within ten calendar days of such officer's appointment. Section B. sets forth minimum selection standards for new peace officers which must be followed by the appointing agency. Section C. provides that the Board may make specific recommendations applicable to the implementation of the minimum selection standards. Section D. provides the potential penalties for noncompliance with the minimum selection standards set forth in the rule. The Examiner notes that the language "potential penalties for noncompliance" in Section D. is somewhat vague and does not set forth any criteria as to the circumstances under which such penalties will be invoked. The Examiner finds that 4 MCAR Sec. 13.020 A. - C. are necessary and reasonable. The Examiner finds that 4 MCAR Sec. 13.020 D. is unreasonable because that it does not contain sufficient standards regarding its application.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

## CONCLUSIONS

1. That the Board gave proper notice of the promulgation of the proposed rule.

2. That the Board has statutory authority to take the action proposed, to wit, the promulgation of the proposed rule.

3. That the Board has fulfilled all relevant, substantive and procedural requirements of law or rule.

4. That, except as otherwise noted, the Board has demonstrated the need for and reasonableness of the proposed rule by an affirmative presentation of facts in the record.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is recommended that the proposed rule be adopted by the Peace Officer Standards and Training Board with consideration given to the Findings of Fact herein.

Dated: October 13, 1978.

NATALIE L. GAULL
Hearing Examiner

STATEMENT OF NEED

REGARDING PROPOSED PERMANENT RULES OF THE

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

4 MCAR § 13.001 Introduction and Scope

Minn. Stat. 626.84, et seq. (Supp. 1977), as amended by Laws of 1978, ch. 681, provide for the selection, training, licensing and training reimbursement of peace officers, and provide for the promulgation of rules to assist the POST Board in fulfilling its goals. The following proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. The following statement of need details why the Board believes that these proposed rules are necessary and reasonable.

4 MCAR § 13.002 Construction of Terms

A. Definitions. Definitions of commonly used terms in these rules which could be subject to various interpretations are reasonable and necessary to provide for a common understanding of the language used in these rules. Specific terminology utilized in these rules is either defined in this section or a citation is given where the term has been defined in the law.

B. Gender. Readability of the rules is improved when it is unnecessary to use such awkward construction as "he/she", "his/hers" etc.

C. Singular and Plural. Readability of the rules is similarly improved if singular and plural references are not required.

4 MCAR § 13.003 Basic Course

A. Minn. Stat. 626.843 Subd. 1 (b), (f) and (g) require that the Board shall adopt rules related to minimum basic training. The basic course is designed to provide the minimal information and skills that are necessary in order for peace officers to perform their basic job in the prevention and detection of crime and the enforcement of the general criminal laws of the State.

Minn. Stat. 626.843 Subd. 1 (h) requires the Board to specify the content of the minimum basic training course. The general topics listed in this rule are the product of extensive research and consultation with peace officer trainers, criminal

justice educators and other law enforcement experts who judged that these topics constitute a body of knowledge, skills and abilities which are both reasonable and necessary in order for a beginning peace officer to successfully perform his duties.

B. Some students enter a basic course with demonstrated pertinent knowledge and skills required for law enforcement duties. This rule provides for a waiver provision when a student can successfully demonstrate such a competency to the satisfaction of the director of the school. In this way the expense of duplicating training can be avoided. (The goal of not duplicating training efforts is clearly stated in Minn. Stat. 626.843 (h).)

Traditionally, in law enforcement training, course specifications list a particular number of hours required in specific topics. This rule is intended to focus on the competency level of the trainee rather than specify an alloted number of hours as the primary criteria. If, for example, the student achieves a high level of competence in firearms in a short period of time, additional time need not be spent merely to fulfill a specific hour requirement in that topic.

C. Minn. Stat. 626.843 Subd. 1 (a), (b), (c), (h) and 626.845 (c) and (j) and 626.848 indicate that law enforcement training will be decentralized. In order to maintain quality control of the multiple programs in law enforcement, the Board requires a method for verifying basic course content at the various schools and programs.

D. As laws, rulings and procedures change in the law enforcement field, corresponding changes should be reflected in the content of the training courses. This rule is necessary in order to provide for updating of the basic course in a reasonable manner so as not to require continual formal rule revisions in areas that do not substantively change the basic course content.

E. Monitoring of course attendance is required by Minn. Stat. 626.843 Subd. 1 (b). The basic course curriculum is highly concentrated. Absence of more than one day could jeopardize a student's knowledge of a critical subject area. Therefore it is reasonable and necessary for the director of the course to assure the Board that each student has been provided the information contained in the learning objectives.

F. In the monitoring of the basic course, the Board requires reasonable control of the instructional process. The reasonableness of class size is governed considerably by the type of subject matter being taught. In certain skills courses such as firearms or defensive tactics, students require close control and coaching by an instructor. In this type of situation

it would be reasonable for the Board to limit class size more restrictively. In other types of lecture courses, the class size is not as critical and strict limitations would therefore not be necessary. The Board feels that this rule is necessary in order to provide it with needed flexibility in dealing with class size.

G. The legislative intent is clearly to minimize the numbers of untrained law enforcement officers in the state. Therefore this rule provides the Board with a reasonable and necessary means of granting priorities to those officers who are employed, but have not yet been trained. (Also see: 13.006 D, and D1.)

H. Physical and psychological health requirements for students are necessary and reasonable in order to protect students and instructors. The danger inherent in firearms training of psychologically unstable persons is obvious. The physical and psychological requirements of such activities as defensive tactics and firearms range practice dictate that in order for a student to be successfully trained he must meet minimum physical and mental health standards.

I. This rule is reasonable and necessary to fulfill the requirements listed in Minn. Stat. 626.843 Subd. 1 (i).

J. Review of the various basic course programs is reasonable and necessary under Minn. Stat. 626.843 Subd. 3 (b) and 626.845 (a) and (b).

4MCAR § 13.004 Instructors

A. Minn. Stat. 626.843 Subd. 1 (c) mandates that the Board shall provide for the minimum qualifications for instructors who teach in certified schools.

The basic course includes a mixture of academic and practical topics. Therefore it is reasonable and necessary that the instructors for these courses shall include people who have academic credentials and those who have recognized professional expertise.

B. Utilizing experts as guest lecturers is a valuable teaching technique. Therefore it is reasonable and necessary that a rule be provided which enables a school to utilize this approach. Guest lecturers appear on a limited basis and often under severe time and schedule constraints. They generally excede the qualifications required under 13.004 A. To subject these guest experts to a certification process would be unreasonable and impractical; from an administrative standpoint. Quality control will not be lost however, as the responsibility and accountability for the course content will reside with the certified instructor who utilizes the guest lecturer.

4 MCAR § 13.005 Certification of Post-Secondary Programs and Schools

A. Minn. Stat. 626.843 Subd. 1 (a), (b), (h) and 626.845 (a), (b) and (c) require that the Board establish rules pursuant to the certification of training programs and schools. The Board is mandated by the above cited statutes to establish and approve the content of peace officer training programs and schools. This rule provides the machinery to accomplish this necessary function in a reasonable manner. This rule also enables the Board to evaluate equipment and facilities for courses and/or schools which may be of a specialized nature involving specific skills such as firearms, emergency driving, defensive tactics, etc. The need for assuring that schools and/or programs have qualified instructors has been addressed in the section dealing with 13.004 A. In order for the Board to properly evaluate whether or not each school or program is meeting the prescribed learning objectives it is reasonable and necessary for the Board to inspect lesson plans, course outlines and other related materials.

B. It is reasonable and necessary for the Board to have an appropriate amount of lead time to properly respond to requests for certification. The 30 days provides the Board enough time to respond while allowing the school flexibility in planning their courses.

C. Minn. Stat. 626.845 (a) requires that the Board respond to a request for certification of a school within 90 days. Because it is anticipated that at least 25 different institutions will apply for Board certification it is reasonable and necessary that the Board be able to grant provisional certification rather than have to deny certification because of possible inability to conduct immediate and thorough on-site evaluations of all these programs. (See: 13.002 A. 18 which defines provisional certification and indicates that inspection of a school must occur within one year.)

4 MCAR § 13.006 Licensing of Peace Officers

A. This rule indicates the statutory authority for licensing peace officers in various catagories by certain deadline dates. This subdivision deals with peace officers from communities of over 1,000 population and eligible constables.

B, Since the Board is mandated to license a large number of peace officers, the three year renewal period provides a reasonable and necessary means to administratively handle this task as only one-third of all licenses would have to be renewed each calendar year.

C. This rule provides a reasonable and necessary formula for dividing all licensed peace officers into three groups for license renewal purposes.

D. This rule is necessary so that law enforcement agencies can maintain the capability to hire untrained individuals from their local area, if they so desire. However, it is reasonable to set a maximum time wherein these individuals can function as peace officers without receiving formal basic training.

Ideally, all officers should be trained prior to duty assignment. However, experience has shown that in many agencies (especially small agencies) this is not always possible due to unexpected factors such as: resignations; dismissals; injuries; sickness; sudden population expansion; etc.

Past practices indicate that a period of one year (to commence training) is needed because it insures that the officer will be trained within a reasonable period of time without creating undue hardship upon the employing agency which cannot always coordinate their hiring schedules with the availability of vacancies in the BCA basic course.

The above justification also applies to officers from communities of 1,000 or less and constables, who subsequent to July 1, 1979 will be subject to the same licensing and training requirements as all other peace officers in the state.

The six month completion requirement in this rule is a reasonable and necessary time limit for those people who because of sickness, injury or other compelling reasons are unable to initially complete the basic course.

E. First Aid skills are a necessary tool for a peace officer. The three courses listed in this rule are readily available throughout the state at low or no cost and are considered by experts to be well-suited to law enforcement needs. This rule provides that all students and/or unlicensed peace officers must receive this training prior to being licensed. Because of the availability of these first-aid courses it is reasonable to transfer this particular training requirement from the basic course schedule (although it is considered part of the basic course). The rule utilizes existing resources and provides uniformity in first aid training without duplication of effort and expense.

F. This rule provides that only those persons who have successfully completed a post-secondary program are eligible to go on to a skills course. This is necessary because the two courses (academic and skills) together constitute the complete basic training course of a peace officer. Therefore, it would not be reasonable to expect a student to successfully complete his skills training without the proper foundation as indicated in 13.003 A.1. The statutory authority for administering licensing examinations is cited in Minn. Stat. 214.03.

G. This rule obtains its statutory authority from Minn. Stat. 626.851 Subd. 2. It provides for the administration of portions of the licensing examination for students who wish to finalize their training by completing a skills course. (See: 13.002, 21 and 21a.) This rule is reasonable and necessary for the following reasons:

1. It qualifies students for enrollment in the skills course.
2. It tests a student's knowledge of preparatory academic material.
3. It provides an additional method of evaluating the quality of the various post-secondary courses approved by the Board.

The six months completion requirement in this rule provides a reasonable and necessary time limit for those people who because of sickness, injury, or other compelling reasons are unable to initially complete the course.

H. This rule is reasonable and necessary because completion of both the academic and skills courses is equivalent to completion of the basic course. (See: 13.006 G.)

I. It is necessary and reasonable to require that a beginning peace officer undergo a one year probationary period prior to receiving a license because:

1. This provides adequate time to evaluate the officer's response to critical events which may only occur episodically.
2. This provides adequate time for the officer to learn local ordinances and local agency rules.
3. This provides adequate time to evaluate the officer's ability to withstand day to day job stress.
4. This provides time for the officer to ascertain whether or not he actually wants to rerain in law enforcement.
5. This provides the appointing authority adequate time to generally evaluate whether the officer possesses the knowledge, skills and abilities to be a peace officer in that community.

The one year eligibility portion of this rule which provides for employment subsequent to pre-employment training is mandated by Minn. Stat. 626.843 Subd. 1 (h).

J. This rule provides for those officers who are selected in the traditional method ("off the street") and who have not been through the pre-employment training process. These officers

must be sent to a basic course (See: 13.006 D.) and pass the licensing examination during the probationary period. This rule is necessary and reasonable in order to maintain consistency with the examination and probationary requirements for individuals who have been trained prior to employment.

K. The Board is responsible for the administration of the licensing examination. It is necessary that all concerned parties know when and where these examinations are being held. It is also necessary for the Board to know, in advance, how many examinees are to be tested so that proper facilities can be arranged. It is also reasonable to expect a 30 day notification for administrative purposes.

The examination fee is authorized by Minn. Stat. 214.06 and is reasonable in order to meet the anticipated costs of administering the examinations.

Allowing individuals who fail the examination to re-test twice is necessary and reasonable because people may fail tests due to reasons unrelated to their knowledge of the material, e.g., anxiety reactions, physical illness, etc.

L. This rule pertains to people who leave law enforcement and wish to retain their license. It is closely related to 13.008 which provides for continuing education and training of peace officers. (Also see: Minn. Stat. 214.12.) By adoption of this rule it would be reasonable to allow an individual to re-enter law enforcement because the Board would have the assurance that this person has remained current in the field. The invoking of selection standards is also reasonable and necessary to assure that there is no evidence of any physical, mental, emotional or criminal condition which might adversely affect the candidates re-employment as a peace officer.

M. It is reasonable and necessary to provide mechanisms for reciprocity with peace officers who have been trained in other states, but wish to serve in Minnesota. Currently most states, including Minnesota have such mechanisms. To assure that these peace officers have the necessary information and skills concerning Minnesota Law and procedures it is reasonable to require the employed candidate to pass a licensing examination, meet the same selection standards required of all entering officers and to successfully complete the probationary period also required of entering peace officers.

N. Administrative control of licenses is a responsibility of the Board. It is therefore necessary and reasonable for the Board to maintain safeguards against peace officers who may

misrepresent the status of their license. This rule assures that an employing agency shall contact the Board to determine the status of a license.

O. The authority for this rule is cited in Minn. Stat. 626.845 (i) and 626.843 Subd. 1 (g).

The rule addresses the problems of a substantial number of part time peace officers and full time deputy sheriffs who because of extenuating circumstances have been unable to become certified and therefore are presently not eligible for licensing. The vast majority of these people attempted to receive basic training but because of limited openings were denied enrollment and subsequently certification as well.

It is the intent of the enabling legislation to have all Minnesota peace officers licensed. This rule provides a reasonable means of accomplishing this goal by granting these officers a reasonable amount of time to pass the licensing examination and; by showing that they meet the physical, mental, and ethical requirements of entry level selection standards and, can demonstrate proficiency in the use of firearms and first aid procedures.

4 MCAR § 13.007 Examination and License Fees

The statutory justification for charging license and examination fees is provided in Minn. Stat. 214.06.

A. An examination fee of $25 is reasonable and necessary in order to recover the costs of test development, validation and administration.

B. A license fee of $10 for three years is reasonable and necessary in order to recover the administrative costs of licensing.

4 MCAR § 13.008 Peace Officer Continuing Education-Training

A. Minn. Stat. 626.842 Subd. 1, states that the Board shall be guided in matters relating to its operation by Minn. Stat. 214. Accordingly, Minn. Stat. 214.12 permits a non-health related licensing board to, "promulgate by rule requirements for renewal of licenses designed to promote the continuing professional competence of licensees."

B. Like many occupations, law enforcement is regularly confronted with changing technology, procedures and laws. Previously however, no provisions existed to insure that peace officers be required to maintain current professional competencies.

This rule provides for 48 hours per 3 years of continuing education-training. The 48 hour figure is intended to be a reasonable number of minimal hours for those agencies who have had little if any continuing training. It meets the intent of Minn. Stat. 214.12, and enhances the probability of every licensed officer remaining current in his field.

It is also reasonable and necessary for the Board to have a rule enabling it to monitor the quality of continuing education-training to insure that professional competency is being maintained in the license renewal process.

C. It is reasonable and necessary for the Board to require in-service training in certain key areas such as new laws or criminal procedures which have a profound impact on the administration of criminal justice.

D. Since continuing education-training is a new requirement it is reasonable and necessary to allow sufficient time for agencies and various training schools to organize their programs and for the Board to have enough time to evaluate courses and programs for approval (See 13.008 B. 1.)

4 MCAR § 13.009 Field Training

The Board recognizes that an officer who has successfully completed the basic course will still require information about his local agency procedures and local ordinances. Law enforcement agencies should provide their new officers with such additional training. The Board encourages formal field training programs and will provide assistance to agencies establishing such programs. It is not feasible at this time to require all agencies to provide field training for entering officers, however, the development of training materials and consultation with agencies concerning field training is a reasonable and necessary step in the development of field training in Minnesota.

4 MCAR § 13.010 Reimbursement

A. Statutory authority for this rule is derived from Laws of 1977 ch. 455. Subd. 4 (b). For approximately six years the Board has been distributing funds to political subdivisions to help offset the costs of basic training. The procedure consists of taking the legislative allocation and dividing it by the number of employed peace officers who have successfully completed basic training during that fiscal year. Each agency (political subdivision) then receives one equal share for each

of its officers or deputies who were trained. Essentially the process is a form of revenue sharing which the Board has always had the responsibility of administering.

B. This rule is nearly identical to Atty Gen Rule 212 under which the Board has been administering reimbursement funds for several years. Some minor housekeeping changes have been made in order to make this rule consistent with the rest of the new proposed rules, but essentially this rule follows a format which past practice strongly indicates is both reasonable and necessary.

C. Again this rule is nearly identical to Atty Gen Rule 213. It outlines a reasonable and necessary administrative procedure for agencies to apply for reimbursement funds.

D. This rule replicates Atty Gen Rule 214 which has proven a reasonable and necessary procedure for approving reimbursement requests.

E. This rule replicates Atty Gen Rule 215, but does provide a more reasonable means of establishing a deadline for disbursement of funds.

F. This rule has been inserted in anticipation of a change in policy regarding training reimbursement. As the focus of basic training shifts from the BCA basic course to the various schools and colleges around the state, it is likely that a good portion of reimbursement funds will be freed to support other types of in-service training. When this occurs this rule will provide a reasonable and necessary means for the Board to administer in-service training reimbursement.

In summary, the above procedures, except where noted otherwise, approximate Atty Gen Rules 212, 213, 214 and 215 which went through a public hearing on March 24, 1976 (H.E. Docket No. POTB 76-001-PE.)

4 MCAR § 13.020 New Peace Officers

This rule pertains to the standards for selecting new peace officers. Because law enforcement is such a demanding and sensitive occupation, the need for minimum entry standards has long been recognized. The rule and the standards enumerated here are essentially the same as Atty Gen Rule 207 which was published in August of 1976. Rule 207 was heard on March 24, 1976, (H.E. Docket No. POTB 76-001-PE.)

A. Because of all the statutory responsibilities of the Board it is imperative that the Board maintain accurate records regarding new appointments. The previous Atty Gen Rule 207 A did not contain a time limit on reporting new appointees. This was a serious administrative impairment. The time limit of 10 days imposed by this proposed new rule is reasonable and necessary in order that the Board can promptly act regarding all its statutory functions.

B. This rule lists the actual standards required of each new peace officer in Minnesota. The standards are numbered differently than in Atty Gen Rule 207 B. but except for some minor housekeeping changes (which are noted below) remain essentially the same as the standards which went through the public hearing on March 24, 1976.

1. No change.

2. Adds language concerning contiguous states. This provides for officers who work in Minnesota but must have a driver's license from the state they reside in. Under the old rule many officers who live in Wisconsin, Iowa, etc. were technically in violation.

3. This is old rule number 4 in the Atty Gen Rule 207 B. The requirement for a preliminary application form was found to be unnecessary and has been eliminated in the new proposed rule. The new rule also adds the phrase, ".....and a thorough background search shall be made through, but not limited to, the resources...." This provides local agencies with the needed flexibility to conduct more thorough background investigations.

4. This is old Atty Gen Rule (5), no changes.

5. This is old Atty Gen Rule (6), no changes.

6. This is old Atty Gen Rule (7), no changes.

7. This is old Atty Gen Rule (8), no changes.

8. This is old Atty Gen Rule (3), no changes.

9. The new proposed rule deletes the word "communication," thereby increasing the number of dimensions which can be evaluated in an oral interview.

C. Many law enforcement agencies seek assistance from the Board in implementing the minimum selection standards. In order that the Board can adequately provide local agencies with proper information concerning the state of the art and the criteria involved regarding job requirements and related testing procedures, it is reasonable and necessary for the Board to gather and disseminate selection standards guidelines.

D. Under the Atty Gen Rules there were no procedures for enforcing minimum selection standards. The Board did, however, adopt sanctions and other policies through formal resolutions. The sanctions listed in this rule are actually codifications of what already has been established by past practice. The only exception is No. 4 which provides the Board new authority under statute (See Minn. Stat. 214.10 and 214.11) by virtue of its present status as a licensing Board.

Lack of formal, legal sanctions in the past has hindered the effectiveness of the selection standards. This rule as proposed would be a necessary and reasonable means of enforcing the standards and informing agencies of the potential sanctions that may be imposed if they fail to adhere to these rules.

Mark K. Shields

Mark K. Shields
Executive Director
POST Board

7/31/78

Revisions of Rules and Comments on
the Hearing Examiner's Findings of Fact

4 MCAR 13.003 Basic Course.

C. Outline form has been corrected.

D. No change made.

Comment: The course content of the law enforcement minimum basic course has been specified through issuance of learning objectives. The board feels that Section D indicates that when changes in course content are required, the method that should be utilized is to issue, revise, or delete learning objectives. The term "curriculum" refers to the course in a more general way, while coordinators of these programs will understand the phrase "learning objectives", a term of art in the educational field, with the precision that is desired.

F. The change made specifies that the board will determine maximum class size in each class of every course.

4 MCAR 13.006 Licensing of Peace Officers.

G. Outline form has been corrected and examples of "compelling reasons" have been added.

I. Outline form has been corrected.

Comment: The Examiner indicates concern with the one-year probationary period. The board prefers to maintain the rules as stated and would offer the argument presented in the Statement of Need. It should be explained that an officer who is terminated from an agency "due to circumstances wholly outside of his control" would be eligible for hire by another agency.

I. Comment: Cont.

However, the one-year probationary period would commence with the hiring date of the new employer.

4 MCAR 13.009 Field Training.

The phrase "Statement of Purpose" has been deleted.

4 MCAR 13.010 Reimbursement Program of the Board.

E. The Examiner feels that a statement as to the time frame for dispensing reimbursement funds should be included in this section. The exact amount of each reimbursement check is dependent upon the total number of approved applications. Therefore, all eligible applicants must be verified before any of the applying agencies can be reimbursed. The verifying of eligibility of some applicants has been a tedious process in the past; requiring up to three months in extreme cases where there have been genuine questions as to compliance with selection standards.

The change recommended by the board in the statement of this section indicates that the board processing will be done expeditiously, and no later than 90 days from the end of the fiscal year.

4 MCAR 13.020 New Peace Officers.

D. Changes have been made in this paragraph to indicate that Standards for penalties previously described will be applied by the board in the stated situation.

4 MCAR 13.020 New Peace Officers. Cont.

Comment: The selection standards should be utilized in the hiring process of a new peace officer. The board has no way to ascertain whether this has been done. However, an agency that submits an application form for a peace officer to attend the bureau basic course, certifies that the selection standards have been met. It has happened that an agency certifies compliance when complete compliance has not been accomplished. In this situation the officer is permitted to complete the basic course under the assumption that full compliance will be completed upon his/her return to the hiring agency. As stated in 4 MCAR § 13.010 B.1., the board does not process applications for reimbursement until compliance with selection standards is assured. If the hiring agency still refuses to comply during the officer's probationary period, the board would deny licensure.

BOARD EX. 5

STATE OF MINNESOTA

BOARD OF PEACE OFFICER

STANDARDS AND TRAINING

RECEIVED
JUL 26 1978
OFFICE OF HEARING EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers and Constables

AFFIDAVIT OF MAILING

James F. Lynch, being duly sworn, deposes and says:

That on the 19th day of July, 1978, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations listed on the attached Certificate of the Secretary of State.

James F. Lynch

Subscribed and sworn to before me this 25th day of July, 1978.

Audrey S. Ostergren

AUDREY S. OSTERGREN
Notary Public, Ramsey Co., Minn.
My Commission Expires
Sept. 30, 1982

BOARD EX. 4

RECEIVED
AUG 1 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE PEACE OFFICER STANDARDS AND TRAINING BOARD, GOVERNING THE SELECTION, TRAINING, LICENSING AND TRAINING REIMBURSEMENT OF PEACE OFFICERS.

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Ralph A. Olmos, being duly sworn on oath deposes and says:

1. That he is an employee of the Minnesota Board of Peace Officer Standards and Training.

2. That on the 11th day of July, 1978, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to 15.0412.

3. That on that date, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Ralph A. Olmos

RALPH A. OLMOS

Subscribed and sworn to before me this 17th day of August, 1978.

Richard G. Evans

RICHARD G. EVANS
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Aug. 29, 1983

BOARD EX. 3

RECEIVED
AUG 1 7 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption of Rules of Minnesota ~~Division~~ Board of Peace Officer Standards and Training Governing the selection and training and licensing of peace officers and constables

---

I hereby certify that the attached 12 sheets 4487 names constitute the complete list of persons, associations, and other interested groups who as of 4:30 o'clock P.M. this 11th day of July, 19 78, have requested pursuant to M.S. 19 76, 15.0412, Subd. 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State
Joan Anderson Growe

By Randall W. Sayre

BOARD EX. 2

Proposed Permanent Rules

RECEIVED
AUG 1 / 1978
OFFICE OF HEARING
EXAMINERS

NOTICE OF HEARING
In the Matter of the Proposed
Adoption of Rules of the
Minnesota Board of Peace
Officer Standards and Training
Governing the Selection, Training
and Licensing of Peace Officers
and Constables

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held in the State Office Building Auditorium, Room 83, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on Thursday, August 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Natalie Gaull, Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8114, either before the hearing or within twenty (20) days after the close of the hearing.

The proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. In addition, the proposed rules establish the reimbursement program of the Minnesota Board of Peace Officer Standards and Training (POST Board). Copies of the proposed rules are now available and one (1) free copy may be obtained by writing to: POST Board, 5th Floor Metro Square Building, Saint Paul, Minnesota 55101,

telephone (612) 296-2620. Additional copies will be available at the door on the date of the hearing. The POST Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 626.843 subd. 1 (Supp. 1977), as amended by Minnesota Laws 1978, Ch. 681, § 9. A "Statement of Need" explaining why the Board feels the proposed rules are necessary and a "Statement of Evidence" outlining the testimony it will be introducing will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available at that location for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01 subd. 11 (1976) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual.

Dated: July 10, 1978.

Mark K. Shields

MARK K. SHIELDS
Executive Director, POST Board

BOARD EX. 1

RECEIVED
AUG 17 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

BOARD OF PEACE OFFICER

STANDARDS AND TRAINING

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Board of Peace
Officer Standards and Training
Governing the Selection, Training
and Licensing of Peace Officers
and Constables

O R D E R

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in Room 83 of the State Office Building, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on the 24th day of August, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

DATED: July 10, 1978.

Mark K. Shields
MARK K. SHIELDS
Executive Director, POST Board



RECEIVED
JUN 1 2 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

BOARD OF PEACE OFFICER

STANDARDS AND TRAINING

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Board of Peace
Officer Standards and Training
Governing the Selection, Training
and Licensing of Peace Officers
and Constables

O R D E R

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the State Office Building Auditorium, Room 83, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on the seventh day of August, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

DATED: June 19, 1978.

Mark K. Shields

MARK K. SHIELDS
Executive Director, POST Board

POST-78-001 PE

STATE OF MINNESOTA

BOARD OF PEACE OFFICER

STANDARDS AND TRAINING

RECEIVED
JUN 21 1978
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers and Constables

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held in the State Office Building Auditorium, Room 83, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on Monday, August 7, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Peter C. Erickson, Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8118, either before the hearing or within twenty (20) days after the close of the hearing.

The proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. In addition, the proposed rules establish the reimbursement program of the Minnesota Board of Peace Officer Standards and Training (POST Board). Copies of the proposed rules are now available and one (1) free copy may be obtained by writing to: POST Board, 5th Floor, Metro Square Building, Saint Paul, Minnesota 55101, telephone (612) 296-2620. Additional copies will be available at the door on the date of the hearing. The POST Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 626.843 subd. 1 (Supp. 1977), as amended by Minnesota Laws 1978, Ch. 681, § 9. A "Statement of Need" explaining why the Board feels the

proposed rules are necessary and a "Statement of Evidence" outlining the testimony it will be introducing will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available at that location for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01 subd. 11 (1976) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual.

Dated: June 19, 1978.

Mark K. Shields

MARK K. SHIELDS
Executive Director, POST Board

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Natalie Gaull,
HEARING EXAMINER

RECEIVED
NOV 30 1978
OFFICE OF HEARING
EXAMINERS

In the matter of the Proposed Adoption of Rules of the Minnesota Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers and Constables.

ORDER ADOPTING
RULES

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The above-entitled matter came on for hearing before Natalie Gaull, hearing examiner of the State of Minnesota on the 24th day of August, 1978, at 9:00 A.M. in Room 83 of the State Office Building, St. Paul, Minnesota, after proper notice required by M.S. 1978, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules

NOW, THEREFORE, IT IS ORDERED that these rules identified as 4 MCAR §§ 13.001 - 13.020 are adopted this 9th day of November, 1978, pursuant to the authority vested in be by M.S. § 626.84 et seq. (Supp. 1977), as amended by Laws of 1978, ch. 681.

STATE OF MINNESOTA
MINNESOTA BOARD OF PEACE OFFICER
STANDARDS AND TRAINING

CHAIRMAN

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE NATALIE GAULL,
HEARING EXAMINER

In the matter of the Proposed Adoption of Rules of the Minnesota Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers and Constables

FINDINGS OF FACT

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

The above-entitled matter came on for hearing before Natalie Gaull, hearing examiner of the State of Minnesota, on the 24th day of August, 1978, at 9:00 a.m. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by M.S. 1978, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. That the facts set forth in the report of the hearing examiner, attached as Exhibit A, except for such provisions as expressed in the Board's response to the findings of the hearing examiner, are true and correct and adopted as is set forth fully herein.

2. That the facts set forth in the Board's response to the hearing examiner, attached as Exhibit B, and adopted by the Board on November 9, 1978 are true and correct and adopted as is fully set forth herein.

3. 4 MCAR §§ 13.001 - 13.020 as amended.

STATE OF MINNESOTA
MINNESOTA BOARD OF PEACE OFFICER
STANDARDS AND TRAINING

Mark K. Shields 12-11-78
EXECUTIVE DIRECTOR

RECEIVED
NOV 30 1978
OFFICE OF HEARING
EXAMINERS

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Mark K. Shields, certify that I am Executive Director of the Minnesota Board of Peace Officer Standards and Training, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Board of Peace Officer Standards and Training duly and properly called and held on the 9th day of November, 1978; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to the selection, training and licensing of peace officers and constables be and they hereby are approved and adopted, pursuant to authority vested in us by M.S. § 626.84 et seq. (Supp. 1977), as amended by Laws of 1978, ch. 681, and that Ralph W. Talbot, one of the members of the Minnesota Board of Peace Officer Standards and Training, be and hereby is authorized to sign an order adopting these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24th day of November, 19 78 .

Mark K. Shields
Executive Director

Joel Kohout

JOEL KOHOUT
NOTARY PUBLIC-MINNESOTA
ANOKA COUNTY
My Comm. Expires Dec. 21, 1983

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

December 7, 1978

Mr. Mark K. Shields
Executive Director
POST Board
500 Metro Square Bldg.
St. Paul, MN 55101

Re: Rules Governing the Selection, Training and Licensing of Peace Officers and Constables
POST-78-001-NG

Dear Mr. Shields:

Enclosed please find the documents which you submitted to us for review on the issue of substantial change together with the Report of the Chief Hearing Examiner, pursuant to Minn. Stat. § 15.052, Subd. 3.

Yours very truly,

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

DRH:sh
Enc.

POST-78-001-NG

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING GOVERNING THE SELECTION, TRAINING AND LICENSING OF PEACE OFFICERS AND CONSTABLES.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on August 24, 1978, before Natalie L. Gaull, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Board of Peace Officer Standards and Training (hereinafter "POST") on October 13, 1978; and

WHEREAS, POST has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, POST submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107 on November 13, 1978, but did not submit the Order Adopting Rules and Certificate of Board's Adoption of Rules Resolution until November 30, 1978; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that POST has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, POST has the responsibility of submitting the complete hearing record and the rules as adopted by POST to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 7th day of December, 1978.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA
PEACE OFFICER STANDARDS AND TRAINING BOARD

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OR THE PEACE OFFICER STANDARDS AND TRAINING BOARD, GOVERNING THE SELECTION, TRAINING, LICENSING AND TRAINING REIMBURSEMENT OF PEACE OFFICERS,

STATEMENT OF EVIDENCE

In addition to the "Statement of Need" which is available for inspection or purchase at the office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, and in support thereof, the Peace Officer Standards and Training Board will introduce the following evidence:

Testimony will be presented explaining the legislative authorization for these Rules and the need for these proposed Rules.

We may call on one or more of the following expert witnesses to testify:

John D. Tierney
Assistant County Attorney
Hennepin County
(Member, POST Board)

Paul J. Tschida, Supt.
Bureau of Criminal Apprehension
(Member, POST Board)

Don Peterson, Director
BCA Training

William McCutcheon
State Senator

Donald M. Moe, Representative
House of Representatives

Arlene Lehto, Representative
House of Representatives

Mark K. Shields, Executive Director
POST Board

Dale Dysinger, Ph.D.
POST Staff

Ralph A. Olmos
POST Staff

The above named experts may explain the provisions of the proposed Rules and why these provisions are necessary and reasonable.

We intend to introduce the following evidence:

State statutes and rules:

Minn. Stat. § 626.84 et seq. (Supp. 1977) as amended by Laws of 1978, ch. 681

Minn. Stat. § 214 et seq.

Laws of 1977 ch. 455 Subd. 4 (b)

Rules, Atty. Gen. 201-209, 210-215

H.E. Docket No. POTB-76-001-PE

Other:

Minnesota Board of Peace Officer Standards and Training, Learning Objectives for Post-Secondary Courses in Law Enforcement.

Minnesota Crime Control Planning Board, Summary of Final Report on Minnesota Peace Officer Training and Education.

Minnesota Crime Control Planning Board, Peace Officer Training 1977-78 (Supplement to Minnesota Peace Officer Training and Education: Final Report).

Suggested Guidelines for Compliance with Mandatory Selection Standards for Peace Officers.

POST Board, Application for Certification as a Peace Officer Training School or Program.

POST Board, License Application.

POST Board, Request for Reimbursement.

POST Board, Request for Instructor Certification.

Mark K. Shields
Executive Director
POST Board

7/31/78

BOARD EX. 14



2. The respondent agreed to expunge the charging party's personnel file of all matters which gave rise to the charge of discrimination.

**Department of Human Rights, Complainant, vs. General Motors Corporation, Respondent, E1792.**

Charge. A person (hereinafter "charging party") filed a charge of discrimination against his employer, General Motors Corporation (hereinafter "respondent") alleging that he was terminated because of his race. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement. The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party the sum of $1000.00.

## Hearing Notices

Department of Human Rights, Complainant, vs. Ozark Air Lines, Inc. Respondent, November 30, 1977, 9:00 a.m., 240 Bremer Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

# Board of Peace Officer Standards and Training

## Notice of Intent to Solicit Outside Opinion on Proposed Rules Governing Standards of Conduct for Peace Officers in the State of Minnesota

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training (hereinafter POST) is seeking information and comments from all interested individuals or groups on amendment to the existing Rules of the Attorney General relating to peace officer training and reimbursement (Atty Gen 201-207, 210-216). In addition, POST is seeking information and comments on statewide standards of conduct for peace officers in the State of Minnesota pursuant to the legislative mandate of Minn. Stat. § 626.845 (a) [Laws of 1977, ch. 433, § 7].

Interested or affected individuals or groups may submit statements of information and comment in writing to:

Carl V. Pearson, Executive Director
Minnesota Board of Peace Officer
Standards and Training
Fifth Floor — Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
Telephone: (612) 296-2620

All written statements of information and comment must be received by November 15, 1977.

Ralph W. Talbot
Chairman

# Department of Transportation

## Notice of Contested Case Hearing on Burlington Northern's Petition to Close Freight Depot at Angus, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerned the above-entitled matter will be held on October 28, 1977 at 10:00 A.M., in the City Council Chambers, City Hall, East Grand Forks, Minnesota 56721.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8110), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Mr. Gordon W. Boldt, Chief, Railroad Operations Section, 419 Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2452).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.85 (1976) all parties and potential parties of interest are given an opportunity to be heard on the proposed closing of the Angus Freight Depot.

The petition recites among other matters that:

"The freight depot at Angus is no longer necessary for the conduct of Petitioner's local business affairs, does not serve the public convenience and necessity, is a burden to those charged with its upkeep, and a hazard to its occasional trespassers.

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Dick Hodsdon, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Richard Hodsdon

Special Assistant Attorney General

Dated: December 11, 1978

**MINNESOTA BOARD OF**
**PEACE OFFICER STANDARDS AND TRAINING**
**500 METRO SQUARE BUILDING**
**ST. PAUL, MINNESOTA 55101**

Mark K. Shields
Executive Director
(612) 296-2620

December 13, 1978

Mr. Lee Sheehy, Attorney
G-25 Administration Building
St. Paul, Minnesota 55155

Dear Mr. Sheehy:

Pursuant to your request, I am enclosing duplicate copies of POST documents.

Sincerely,

Mark K. Shields

Mark K. Shields
Executive Director

MKS:cfl
Encl.

# PROPOSED RULES

RECEIVED
JUL 24 1978
OFFICE OF HEARING
EXAMINERS

## Notice of Hearing

Notice is hereby given that a public hearing on the proposed permanent rules of the Peace Officer Standards and Training Board will be held in the State Office Building Auditorium, Room 83, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on Thursday, August 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Natalie Gaull, Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8114, either before the hearing or within twenty (20) days after the close of the hearing.

The proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. In addition, the proposed rules establish the reimbursement program of the Minnesota Board of Peace Officer Standards and Training (POST Board). Copies of the proposed rules are now available and one (1) free copy may be obtained by writing to: POST Board, 5th Floor Metro Square Building, Saint Paul, Minnesota 55101, telephone (612) 296-2620. Additional copies will be available at the door on the date of the hearing. The POST Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 626.843 subd. 1 (Supp. 1977), as amended by Laws of 1978, ch. 681, § 9. A Statement of Need explaining why the board feels the proposed rules are necessary and a Statement of Evidence outlining the testimony it will be introducing will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available at that location for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1976), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual.

July 10, 1978

Mark K. Shields
Executive Director

# PROPOSED RULES

RECEIVED
JUL 24 1978
OFFICE OF HEARING
EXAMINERS

## Notice of Hearing

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July 10, 1978

Mark K. Shields
Executive Director

Peace Officer Standards
and Training Board

Agency proposed amendments to the
proposed rules

4 MCAR § 13.006

K. Peace officer licensing examinations shall be offered at least twice a year. The board shall establish the examination schedules. Any student or peace officer seeking to take either portion of the licensing examination shall submit a written application on a form provided by the board at least 30 days prior to the date of the examination. Each application shall be accompanied by the appropriate nonrefundable fee as set forth in § 13.007. Students or peace officers who fail the examination ~~may~~ shall be allowed to retake the examination two times upon furnishing to the board a renewed written application and appropriate fee; additional examinations shall be scheduled to accomodate such students and peace officers.

4 MCAR § 13.008

B. No peace officer's license shall be renewed unless the licensee or his appointing authority furnishes the board proof that the licensee has successfully completed at least 48 hours of board-approved training or education within the previous three-year license period.

1. Prior to being eligible to receive board approval, the course outline or lesson plans for a peace officer continuing education course shall be filed with the board. Additionally, the names and qualifications of each instructor and guest lecturer shall be provided to the board.

2. Approval for courses and/or programs for peace officer continuing education shall be based upon their relevance to knowledge, skills and abilities needed to be a peace officer. Subject areas shall be related to those topics enumerated in 4 MCAR § 13.003 A.(1) and (2).

4 MCAR § 13.008

C. The board may from time to time mandate specific courses and required minimum hours in requisite subject areas to insure continued protection of the public interest. Nothing contained herein shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education and/or training required by the board.

4 MCAR § 13.008

D. ~~This rule~~ 4 MCAR § 13.008 shall take effect July 1, 1979.

4 MCAR § 13.010

D. Upon compliance with these rules and applicable statute, approval of the application shall be by the board or ~~its designee~~ the executive director. After the board or ~~its designee~~ the executive director has approved the reimbursement application, it shall recommend payment and promptly forward the request form through the appropriate state agencies for the disbursement of funds.

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.



The Native American in Minnesota is believed to be the descendent of a race which migrated from Asia some 12,000 years ago. The Indians encountered by the first white explorers in the region were probably members of the Dakota nation. Minnesota's name, which means "sky-tinted waters," and the names of many of our cities, towns, rivers and lakes are an example of the influence of the Indian in the state's development. Today the majority of Minnesota's 24,000 Indians, mostly Chippewa, live on tribal reservations and in the Twin Cities area.

# Peace Officer Standards and Training Board

## Proposed Temporary Rules and Proposed Permanent Rules Governing the Selection, Training and Licensing of Peace Officers and Constables

### Notice of Opportunity for Public Comment

The Minnesota Board of Peace Officer Standards and Training (POST Board) has proposed the following temporary rules for the purpose of effectively implementing the provisions of Minn. Stat. § 626.84, *et seq.* (Supp. 1977), as amended by Laws of 1978, ch. 681.

All interested parties are hereby afforded the opportunity to submit data and comments on these proposed temporary rules for 20 days after publication of this material in the *State Register* by writing to Mark K. Shields, Executive Director, POST Board, 5th Floor Metro Square Building, St. Paul, Minnesota 55101.

Any written material received by the POST Board shall become part of the hearing record in the final adoption of the temporary rules.

These rules supersede the rules published at *State Register*, Volume 2, Number 49, p. 2233, June 12, 1978 (2 S.R. 2233) as proposed temporary rules.

### Order for Hearing

It is hereby ordered that a public hearing on the proposed permanent rules of the Peace Officer Standards and Training Board be held in Room 83 of the State Office Building, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on the 24th day of August, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

It is further ordered that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

It is further ordered that the Notice of Hearing be published in the *State Register*.

Mark K. Shields
Executive Director

July 10, 1978

## Notice of Hearing

Notice is hereby given that a public hearing on the proposed permanent rules of the Peace Officer Standards and Training Board will be held in the State Office Building Auditorium, Room 83, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on Thursday, August 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Natalie Gaull, Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8114, either before the hearing or within twenty (20) days after the close of the hearing.

The proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. In addition, the proposed rules establish the reimbursement program of the Minnesota Board of Peace Officer Standards and Training (POST Board). Copies of the proposed rules are now available and one (1) free copy may be obtained by writing to: POST Board, 5th Floor Metro Square Building, Saint Paul, Minnesota 55101, telephone (612) 296-2620. Additional copies will be available at the door on the date of the hearing. The POST Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 626.843 subd. 1 (Supp. 1977), as amended by Laws of 1978, ch. 681, § 9. A Statement of Need explaining why the board feels the proposed rules are necessary and a Statement of Evidence outlining the testimony it will be introducing will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available at that location for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1976), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual.

July 10, 1978

Mark K. Shields
Executive Director

Proposed temporary rules 4 MCAR §§ 13.001-13.020 and proposed permanent rules 4 MCAR §§ 13.001-13.020 are identical.

4 MCAR § 13.002

## Rules as Proposed

**4 MCAR § 13.001 Introduction and scope.** The Minnesota Board of Peace Officer Standards and Training, which is created pursuant to Minn. Stat. § 626.84 (Supp. 1977) *et seq.*, as amended, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers and constables in the State of Minnesota. The following rules are adopted pursuant to that enabling legislation. See Minn. Stat. § 626.843.

**4 MCAR § 13.002 Construction of terms.**

**A. Definitions.** For the purpose of these rules the words, terms and phrases shall have the meanings hereafter given them, unless another intention clearly appears.

1. Agency: local or state law enforcement agency employing peace officers.

2. Appointing authority: executive head of the agency. In cases where there is no executive head or where the executive head is the sole member of the agency, "appointing authority" shall mean the public official, board, commission, or other person or groups of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers.

3. Basic course: a course including both academic and skills training which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been certified by the board.

4. Board: the Minnesota Board of Peace Officer Standards and Training.

5. Bureau: Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

6. Constable: as defined in Minn. Stat. § 367.40 subd. 3.

7. Deputy constable: as defined in Minn. Stat. § 367.40 subd. 4.

8. Director: director or head of a school.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

4 MCAR § 13.002

9. Executive director: executive director of the board.

10. Field training: a program of on-the-job instruction and evaluation for new peace officers conducted by board-approved field training officers which meets or exceeds established guidelines of the board.

11. Field Training Officer (FTO): a licensed peace officer who is responsible for the field training and evaluation of new peace officers and who has met or exceeds the established requirements of the board regarding FTO qualifications.

12. Guest lecturer: a person who may be utilized from time to time for the purpose of providing specific expertise within a certified course of instruction.

13. Instructor: a person who is qualified to teach in a school.

14. Peace officer: as defined in Minn. Stat. § 626.84(c).

15. Permanent appointment: any peace officer who meets the requirements of Minn. Stat. § 626.846, subds. 1, 1(a), 3 or 3(a), and any constable who meets the requirements of Minn. Stat. § 626.845 subd. 2, shall be considered to have received a permanent appointment for the purposes of these rules.

16. Political subdivision: county, city, town, municipality or other similar political subdivision of the State of Minnesota.

17. Post-secondary program: an academic course of instruction in law enforcement at a college or university that has been certified by the board and which minimally includes the subject areas listed in § 13.003A.1.

18. Provisional certification: temporary approval given by the board which permits a school to operate for a period not to exceed one year, provided that the school substantially complies with the board's requirements for certification as set forth in § 13.005.

19. Reimbursement funds: legislatively appropriated funds made available to the board for use by political subdivisions to defray the cost of salaries, expenses and substitute protection incurred during the training of peace officers which shall be disbursed on an equal share basis to agencies which had peace officers successfully complete a basic course during the preceding fiscal year.

20. School: any training school or program certified by the board.

21. Skills Course: a course of training which minimally includes the subject areas listed in § 13.003A.2. and which must be successfully completed by an individual to be eligible to be licensed.

a. The completion of a post-secondary program and a skills course is equivalent to the completion of the basic course.

B. Gender. Words used in the masculine gender shall include the feminine gender as well.

C. Singular and plural. Where appropriate, words used in the singular shall include the plural and words used in the plural shall include the singular.

4 MCAR § 13.003 Basic course.

A. The basic course minimally shall include the following subject areas.

1. Academic instruction in:

a. administration of justice;

b. Minnesota Statutes;

c. criminal law;

d. human behavior;

e. juvenile justice;

f. law enforcement operations and procedures.

2. Skills training in:

a. techniques of criminal investigation and testifying;

b. patrol functions;

c. traffic law enforcement;

d. firearms;

e. defensive tactics;

f. emergency vehicle driving;

g. criminal justice information systems;

h. first aid (see § 13.006 E.).

B. Participation or continued instruction in a particular subject area enumerated in § 13.003 A. may be waived by the director upon satisfactory evidence of approved equivalent training.

C. All basic courses shall comply with the minimum requirements set forth in § 13.003 A. and shall furnish such reasonable and necessary proof to the board to verify that the provisions of § 13.003 A. are being met.

1. Nothing in these rules shall preclude any basic course from enacting regulations which establish standards of training above the minimum requirements set forth in § 13.003 A.

D. Periodically the board may issue specific learning objectives applicable to the content of the minimum basic course as outlined in § 13.003 A.

E. Attendance shall be required of each student at all sessions of each basic course. Any student who is absent for more than one day of any basic course shall make up such course content to the satisfaction of the director.

F. The board shall determine the reasonable number of students to be enrolled in each basic course.

G. Currently employed unlicensed peace officers applying for enrollment in any bureau sponsored basic course shall receive priority acceptance.

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

I. The director shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the basic course. Additionally, the director shall notify the board of all students who have successfully completed his school.

J. All basic courses shall be subject to periodic review and evaluation by the board.

**4 MCAR § 13.004 Instructors.**

A. All instructors who teach law enforcement courses in a school, post-secondary law enforcement program, or other course which has been approved by the board, shall possess an associate degree or greater from an accredited institution of higher learning, or have professionally recognized experience to teach the assigned subject matter.

B. These rules shall not preclude a certified school, program or course from utilizing guest lecturers.

4 MCAR § 13.005

**4 MCAR § 13.005 Certification of post-secondary programs and schools.**

A. All schools and post-secondary programs shall be reviewed periodically by the board and no certification shall issue unless the school or program files with the board satisfactory proof that the school or program will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities, and has qualified instructors. Further, the school or program shall also file with the board such other relevant information as it may require (e.g., lesson plans, course outlines, etc.).

B. The director of the school or program shall file all relevant information required by the board at least 30 days prior to commencement of each proposed course or program.

C. Upon receipt of a properly filed application, the board initially may grant provisional certification to a school until such time as an onsite evaluation and inspection has been completed.

**4 MCAR § 13.006 Licensing of peace officers.**

A. Pursuant to Minn. Stat. § 626.846, subds. 1-3(a), eligible peace officers shall be licensed by the board commencing July 1, 1978. Similarly, pursuant to Minn. Stat. § 367.41, subds. 2-5, and Minn. Stat. § 626.845, subd. 2, eligible constables shall be licensed by the board commencing July 1, 1978.

B. Licenses shall remain valid for a period of not more than three years unless suspended or revoked in accordance with the provisions of Minn. Stat. ch. 214.

C. All peace officers whose last names begin with "A" through "G" shall be eligible to have their licenses renewed on July 1, 1980. Peace officers whose last names begin with "H" through "M" shall be eligible to have their licenses renewed on July 1, 1981. Peace officers whose last names begin with "N" through "Z" shall be eligible to have their licenses renewed on July 1, 1982.

D. All unlicensed peace officers, except as provided otherwise by § 13.006 E.-O. who are appointed subsequent to July 1, 1978 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of more than 1,000 according to the last federal census and constables appointed or elected subsequent to July 1, 1979, shall attend a basic course no later

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than within one year from the time of appointment or election.

I. All unlicensed peace officers, except as provided otherwise by § 13.006 F.-O. who are appointed subsequent to July 1, 1979 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of less than or equal to 1,000 according to the last federal census, shall attend a basic course no later than within one year from the time of appointment.

2. Each peace officer and constable enrolled in a basic course shall complete it within six months from the date of enrollment, unless the board grants an extension for compelling reasons.

E. Students shall furnish the board proof of successful completion of one of the following approved first aid courses:

1. Red Cross advanced first aid;

2. Crash Injury Management (CIM); or

3. Emergency Medical Technician (EMT).

The first aid course shall be successfully completed prior to termination of the preliceense probationary period.

F. Students who successfully complete a post-secondary program shall be eligible to take the academic portion of the peace officer licensing examination.

G. Students who successfully pass the academic portion of the peace officer licensing examination shall be eligible to enroll in a skills course. Upon successful completion of such skills course, a student shall be eligible to take the skills portion of the licensing examination.

1. All persons enrolled in a skills course shall successfully complete that course within six months of the date of enrollment, unless the board grants an extension for compelling reasons.

H. Any student who successfully completes a post-secondary program which provides both academic and skills courses shall be allowed to take the entire peace officer licensing examination.

I. Upon successful completion of both portions of the peace officer licensing examination, a student shall be certified eligible for employment as a peace officer for a period of not more than one year. Any student who obtains employment as a peace officer shall be issued a license upon successful completion of a one-year probationary period with a single agency.

1. Notification of successful completion of the probationary period shall be furnished to the board by the appropriate appointing authority.

J. Any unlicensed peace officer who successfully completes a basic course pursuant to these rules and who successfully completes a one-year probationary period with a single agency calculated from the date of successful completion of the basic course, shall be licensed as a peace officer by the board provided that the peace officer successfully completes the licensing examination within that period of time.

K. Peace officer licensing examinations shall be offered at least twice a year. The board shall establish the examination schedules. Any student or peace officer seeking to take either portion of the licensing examination shall submit a written application on a form provided by the board at least 30 days prior to the date of the examination. Each application shall be accompanied by the appropriate nonrefundable fee as set forth in § 13.007. Students or peace officers who fail the examination may be allowed to retake the examination two times upon furnishing to the board a renewed written application and appropriate fee.

L. Inactive licenses. Licensed peace officers who have received a permanent appointment as defined in these rules, and who leave law enforcement in good standing shall be allowed to maintain the license in an inactive status provided they meet the requirements of § 13.007-13.008. Any person whose license is inactive and who desires to re-enter law enforcement shall petition the board in writing and his appointing authority shall invoke the provisions of § 13.020 A, B.1-7, and furnish the board with proof of their compliance.

M. Any peace officer who is certified and employed in good standing in another state shall be eligible for licensing in Minnesota provided that he:

1. successfully completes a peace officer licensing examination pursuant to § 13.006 K;

2. is employed within the State of Minnesota and complies with the provisions of § 13.020 B.; and

3. successfully completes a probationary period with a single agency of not less than one year.

N. All peace officers licenses shall remain the property of the board. A copy of the valid license shall be forwarded to the licensee, and such copy shall be surrendered to the board in the event that the license is suspended, revoked or becomes inactive.

O. A peace officer who prior to July 1, 1978, is employed by and receiving direct compensation from any

state, county, municipality, or joint or contractual combination thereof with a population of more than 1,000 according to the last federal census, but who has not met the requirements of Minn. Stat. §§ 626.841-626.855 in effect on June 30, 1977, shall be licensed by the board when proof is provided that he has:

1. successfully completed a peace officer licensing examination no later than January 1, 1981;

2. complied with the provisions of § 13.020 B.;

3. qualified in the use of firearms; and

4. obtained first aid training in accordance with § 13.006 E.

**4 MCAR § 13.007 Examination and license fees.**

A. A nonrefundable fee of $25.00 shall be paid to the board prior to taking the peace officer license examination.

B. License fees shall be as follows:

1. Active: $10.00 for three years.

2. Inactive: $10.00 for three years.

**4 MCAR § 13.008 Peace officer continuing education — training.**

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

B. No peace officer's license shall be renewed unless the licensee or his appointing authority furnishes the board proof that the licensee has successfully completed at least 48 hours of board-approved training or education within the previous three-year license period.

1. Prior to being eligible to receive board approval, the course outline or lesson plans for a peace officer continuing education course shall be filed with the board. Additionally, the names and qualifications of each instructor and guest lecturer shall be provided to the board.

C. The board may from time to time mandate specific courses and required minimum hours to insure continued protection of the public interest. Nothing contained herein shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education and/or training required by the board.

D. This rule shall take effect July 1, 1979.

**4 MCAR § 13.009 Field training.** Statement of purpose. The board encourages and shall furnish assistance to all agencies which establish minimum requirements for field training of new peace officers.

**4 MCAR § 13.010 Reimbursement program of the board.**

A. Statement of purpose. An increase in the minimum number of weeks required for basic training of peace officers and constables has created additional costs to political subdivisions. The reimbursement program of the board is intended to assist political subdivisions paying the salary and expenses of peace officers who successfully complete a basic course and to help absorb the cost of providing substitute protection while peace officers are being trained. Accordingly, the following rules are promulgated pursuant to the authority vested in the board by Minn. Stat. § 626.843, subd. 3(d).

B. Any agency which meets the following criteria shall be eligible to receive reimbursement funds for the training of each officer successfully completing the basic course.

1. The agency shall have complied with the provisions of § 13.020 B prior to seeking reimbursement funds.

2. The agency or political subdivision shall not have required its peace officers to work while attending the basic course, unless such work was part of the training program.

3. The agency or political subdivision shall have completed and filed all pertinent reports required by the board.

C. Application for reimbursement funds shall be made on forms provided by the board.

1. Forms shall be submitted listing each peace officer who has successfully completed a basic course and for whom the political subdivision seeks reimbursement funds.

2. The application for reimbursement funds shall be submitted on behalf of the political subdivision by an official designated by resolution of the appropriate governing body. Verification of compliance with these rules shall ac-

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

4 MCAR § 13.010

company each application and shall be made in writing by the executive head of the agency.

3. Applications for reimbursement funds shall be submitted by the appropriate political subdivision within 60 days after receiving the requisite forms from the board.

D. Upon compliance with these rules and applicable statute, approval of the application shall be by the board or its designee. After the board or its designee has approved the reimbursement application, it shall recommend payment and promptly forward the request form through the appropriate state agencies for the disbursement of funds.

1. Upon approval, each political subdivision shall be entitled to reimbursement funds for each peace officer attending a basic school provided that the eligibility criteria enumerated in § 13.010 B have been met.

2. A political subdivision is not deemed eligible for reimbursement funds when it receives a subsidy from a state or federal agency or program to assist paying a student's salary; provided, that if no expenses are allowed under such program, the board may authorize reimbursement for actual expenses in an amount not to exceed $30.00 per week of training for each student.

3. Any award of reimbursement funds shall be conditioned upon the continued availability of such funds.

E. Disbursement of reimbursement funds by the board shall be after the close of board's fiscal year.

F. When funds become available for reimbursement of mandated training other than basic courses, political subdivisions shall be entitled, upon approval of a proper application, to share equally in such funds for each peace officer who completes such training, provided the eligibility criteria enumerated in § 13.010 B. have been met.

**4 MCAR §§ 13.011-13.019 Reserved for future use.**

**4 MCAR § 13.020 New peace officers.**

A. All agencies shall furnish the name, address, date of appointment and other pertinent information concerning a newly appointed peace officer to the executive director within 10 calendar days of such officer's appointment.

B. No agency shall appoint any new peace officer who does not comply with the following minimum selection standards; provided, that these standards shall not be construed to restrict an agency from adopting more rigid standards in the areas enumerated.

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

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

3. The applicant shall complete a comprehensive written application prior to hiring. The applicant shall be fingerprinted and a thorough background search shall be made through, but not limited to, the resources of local, state and federal agencies in order to disclose the existence of any criminal record or unacceptable conduct which would adversely affect the performance by the applicant of his duties as a peace officer.

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

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

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

7. The applicant shall successfully pass a job-related examination of his physical strength and agility demonstrating the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

8. The applicant shall successfully pass a written examination demonstrating the possession of all mental skills necessary for the accomplishment of the duties and functions of a peace officer.

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

C. Periodically the board may make specific recommendations applicable to the implementation of the minimum selection standards set forth in § 13.020 B.

D. Potential penalities for noncompliance with the minimum selection standards set forth in this rule include:

1. denial of entrance into the bureau basic course;

2. denial of reimbursement funds as specified in § 13.010;

3. denial of licensure; and

4. other appropriate remedies as provided under Minn. Stat. §§ 214.10 and 214.11.