

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 756

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-15-81
DATE FOR REVIEW 12-24-81
DATE DUE 12-29-81

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved 12/29/81 Returned to Agency _____

Resubmitted 1-29-82 Due 2-8-82
Approved 2-2-82 Disapproved [redacted] Returned to Agency 2/2/82

Date filed w/Secretary of State 2/2/82 Revisor approved 12/16/81 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 12.10.81 Date

✓ Notice of Intent to Solicit Outside Opinion 7.27.81

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
10.14.81 At least 30 days prior to ~~hearing/~~adoption

✓ Mailing list Certificate

✓ Publication in State Register
10.19.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MARK K. SHIELDS
Executive Director

DATE: 2/2/82

ATTN : WILLIAM R. CARTER, III - Standards Coord.

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training Governing the Selection, Training, and Licensing of Peace Officers, Part-time Peace Officers, and Constables

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

JSA:drw

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Rules as Adopted

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

Table of Contents

4 MCAR S 13.021 Introduction and scope.

4 MCAR S 13.022 Definitions.

4 MCAR S 13.023 Basic course.
- A. Subject areas and skills instruction.
- B. Waiver.
- C. Minimum requirements.
- D. Learning objectives.
- E. Participation requirement.
- F. Coordinator duties.
- G. Instructor requirements.

4 MCAR S 13.024 Certification of schools.
- A. Application.
- B. Provisional certification.
- C. Certification.
- D. School disciplinary action.
- E. Sanctions.
- F. Disciplinary proceedings.

4 MCAR S 13.025 Peace officer pre-employment education.
- A. Academic examination.
- B. Skills school.
- C. Eligibility for academic and skills examination.
- D. Reciprocity licensing examination.
- E. Peace officer licensing examination.

4 MCAR S 13.026 Licensing examinations.
- A. Application.
- B. Nonrefundable fee.
- C. Retaking examination.

4 MCAR S 13.027 Minimum selection standards.

A. Selection standards.

B. Documentation.

C. Requirements.

D. More rigid standards.

4 MCAR S 13.028 Licensing of peace officers.

A. Appointee notification.

B. Application procedures.

C. License certificate.

D. Licensing fee.

E. Surrender of license certificate.

4 MCAR S 13.029 Continuing education.

A. Statement of purpose.

B. Continuing education and license renewal.

C. Criteria for course approval.

D. Mandatory courses.

E. Learning objectives.

F. Review.

G. Inactive licensed officer.

H. Record-keeping.

I. Instructor credit.

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

K. Instances in which credit shall not be granted.

L. Endorsements.

4 MCAR S 13.030 License renewal.

A. Renewal.

B. Application.

C. Certificate of renewal.

D. Change of name.

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

A. Scope and purpose.

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

C. Minimum selection standards.

D. First aid and firearms.

E. Documentation.

F. Notification of compliance.

G. Availability of documentation.

H. Expiration of license.

I. Issuance of license.

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

K. Inapplicability.

4 MCAR S 13.032 Constables.

A. Board notification.

B. Requirements.

C. Certification.

D. Notification of compliance.

E. Documentation.

F. Constable licensing examination.

G. Issuance of license.

H. Inactive status of constable license.

I. Inapplicability.

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

A. Purpose.

B. Eligibility.

C. Declaration of intent.

D. Removal of hour restriction.

E. Specialized training school.

F. Skills school.

G. Eligibility for licensing.

4 MCAR S 13.034 Inactive status of peace officer licenses.

A. Terminations.

B. Inactive status.

C. Selection standards.

4 MCAR S 13.035 Scope of standards of conduct.

A. Authority.

B. Scope.

C. Statement of purpose.

4 MCAR S 13.036 Standards of conduct.

4 MCAR S 13.037 Complaint processing.

A. Scope.

B. Complaint committee membership.

C. Complaint committee quorum.

D. Initial hearing.

E. Investigation.

F. Second hearing.

G. Appeals.

H. Settlement.

I. Review by the board.

J. License hearings.

4 MCAR S 13.038 Reimbursement to local units of government.

A. Annual reimbursement.

B. Equal shares of funds.

C. Part-time peace officer shares.

D. Application forms.

E. Signing of application forms.

F. Further information.

4 MCAR S 13.039 Reimbursement to institutions providing skills training.

A. Reimbursement.

B. Academic and skills program.

C. Student awards.

D. Application for reimbursement.

E. Application ~~for~~ approval.

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

4 MCAR S 13.022 Definitions.

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

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

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

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

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

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

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

H. Chief law enforcement officer. "Chief law enforcement

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

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

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

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

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

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

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

1. Red Cross advanced first-aid;

2. Emergency medical technician; or

3. EMS first responder (crash injury management).

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

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

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

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

clause (f).

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

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

4 MCAR S 13.023 Basic course.

A. Subject areas and skills instruction. 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; and

g. First aid.

2. Skills instruction in:

a. Techniques of criminal investigation and testifying;

b. Patrol functions;

c. Traffic law enforcement;

d. Firearms;

e. Defensive tactics;

f. Emergency vehicle driving; and

g. Criminal justice information systems.

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

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

D. Learning objectives. Periodically the board may issue

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

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

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

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

4 MCAR S 13.024 Certification of schools.

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

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

evaluation and inspection has been completed.

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

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

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

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

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

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

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

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

c. Obstructing a board investigation.

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

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

2. Formal or informal probation for the school; or

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

F. Disciplinary proceedings. Disciplinary proceedings under this rule shall be conducted pursuant to the Administrative Procedures Act, Minn. Stat. ch. 15, and the rules of the State Office of Administrative Hearings, 9 MCAR SS ~~2.101~~ 2.201-2.222.

4 MCAR S 13.025 Peace officer pre-employment education.

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

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

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

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

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

4 MCAR S 13.026 Licensing examinations.

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

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

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

1. Academic examination	$12.50
2. Skills examination	$12.50
3. Reciprocity examination	$25.00
4. Peace officer license endorsement examination	$12.50
5. Part-time peace officer licensing examination	$12.50
6. Constable licensing examination	$25.00

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

4 MCAR S 13.027 Minimum selection standards.

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

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

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

3. The applicant shall complete a comprehensive written application.

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

5. 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.

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

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

8. 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 the performance of peace officer duties.

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

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

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

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

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

prescribed in this rule.

4 MCAR S 13.028 Licensing of peace officers.

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

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

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

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

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

4 MCAR S 13.029 Continuing education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. Endorsements.

1. The board may issue endorsements to peace officer

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

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

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

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

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

4 MCAR S 13.030 License renewal.

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

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

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

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

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

C. Certificate of renewal. The executive director shall

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

1. The appropriate fees are:

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

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

c. $10 for renewal of a constable license.

2. The required hours of continuing education are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Name of licensee;

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

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

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

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

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

4 MCAR S 13.032 Constables.

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

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

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

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

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

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

G. Issuance of license. The executive director shall issue

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

H. Inactive status of constable license.

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

a. Name of licensee;

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

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

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

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

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

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

officer.

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

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

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

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

C. Declaration of intent.

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

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

D. Removal of hour restriction.

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

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

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

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

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

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

4 MCAR S 13.034 Inactive status of peace officer licenses.

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

shall include:

1. Name of licensee;

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

3. ~~Other information requested by the board~~ Date of termination.

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

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

4 MCAR S 13.035 Scope of standards of conduct.

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

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

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

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

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

A. The conviction 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;

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

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

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

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

F. Failure to pay the appropriate license renewal fee;

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The committee may continue this matter.

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

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

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

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

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

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

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

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

c. The committee may continue the matter.

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

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

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

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

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

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

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

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

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

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

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

I. Review by the board.

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

of the executive director.

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

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

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

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

d. The board may continue this matter.

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

J. License hearings.

1. Administrative license hearings shall be conducted in the manner prescribed by the contested case procedures mandated by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9 MCAR SS ~~2.101~~ 2.201-2.222, the rules of the Office of Administrative Hearings.

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

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

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

a. Order a re-hearing;

b. Revoke the officer's license;

c. Suspend the officer's license;

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

e. Reprimand the licensee; or

f. Take no further action.

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

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

4 MCAR S 13.038 Reimbursement to local units of government.

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

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

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

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

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

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

correction.

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO LEGALITY
2/2 19 82
WARREN SPANNAUS, ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB -2 1982
Secretary of State
2:45PM

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

Executive Director
(612) 296-2620

December 18, 1981

Judith Wehrwein, Legal Assistant
c/o Warren Spannus
Attorney General's Office
Room 530 State Office Building
St. Paul, MN 55155

Dear Ms. Wehrwein:

As we discussed on December 16, 1981, the Revisor's Office has advised us of two changes in POST's rules. These changes are attached and are viewed as non-substantive.

Sincerely,

Mark K. Shields
Executive Director

By: William R. Carter, III
Standards Coordinator

WRC:mb
Enclosures
Pgs. 10 and 31

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

Executive Director
(612) 296-2620

December 15, 1981

Ms. Judith Wehrwein
Legal Assistant
Attorney General's Office
530 State Office Building
435 Park Street
St. Paul, MN 55155

Dear Ms. Wehrwein:

Pursuant to the Administrative Procedures Act and the Rules of the Attorney General, the POST Board is submitting the adopted rules for review.

Please contact me if you should have any questions.

Sincerely,

Mark K. Shields
Executive Director

William R. Carter, III

By: William R. Carter, III
Standards Coordinator

WRC:mb
Enclosures

F. Disciplinary proceedings. Disciplinary proceedings under this rule shall be conducted pursuant to the Administrative Procedures Act, Minn. Stat. ch. 15, and the rules of the State Office of Administrative Hearings, 9 MCAR SS ~~2.101~~ 2.201-2.222.

4 MCAR S 13.025 Peace officer pre-employment education.

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

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

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

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

E. Peace officer licensing examination. Upon successful completion of the required peace officer licensing examination, a person is eligible for licensure as a peace officer for three years. If the person is not licensed after three years, the person may reinstate his eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate under the circumstances.

4 MCAR S 13.026 Licensing examinations.

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

following actions:

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

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

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

d. The board may continue this matter.

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

J. License hearings.

1. Administrative license hearings shall be conducted in the manner prescribed by the contested case procedures mandated by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9 MCAR SS ~~2.101~~ 2.201-2.222, the rules of the Office of Administrative Hearings.

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

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

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

a. Order a re-hearing;

b. Revoke the officer's license;

c. Suspend the officer's license;

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

e. Reprimand the licensee; or

f. Take no further action.

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

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : WILLIAM R. CARTER, III
Standards Coordinator, Board of Peace Officer Standards and Training
ATTENTION: Spec. Asst. Atty. Gen. RICHARD D. HODSDON

DATE: 12/29/81

FROM : JERRY S. ANDERSON
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: RULES OF PEACE OFFICER STANDARDS AND TRAINING BOARD GOVERNING THE SELECTION, TRAINING, AND LICENSING OF PEACE OFFICERS AND CONSTABLE (4 MCAR §§ 13.021-.039)

The rules in the above-entitled matter have not been approved for the following reasons:

1. Section 13.023 E. provides that a student who is unable to participate in all aspects of the basic course may not be deemed to have completed the course satisfactorily. This raises the inference that some students who do not participate in all aspects of the basic course will be deemed to have completed it satisfactorily, while other students will not. The rule, however, sets forth no standards or criteria for making such a decision, which would permit the decision maker to exercise undue discretion in his or her decision. The basis for a decision in this regard is subject to Minn. Stat. §§ 15.0411-.0412, which require that every agency statement of general applicability and future affect be adopted by the appropriate rulemaking procedure; individuals faced with agency action or requirements must be apprised of the reasons on which decisions will be based. Thus, if it is the board's intention to permit distinctions between individuals who do not participate in all aspects of a basic course, standards or criteria for such a distinction must be included in the rule.

2. In section 13.024 D.4., the language "but is not limited to" provides the board with unencumbered discretion in defining the term "misconduct." Persons affected by these rules must be given notice, through rulemaking, of the areas or instances of conduct that will be considered misconduct.

3. Section 13.025 E. contains no criteria for the determination of what examination is appropriate, thus providing the executive director with excessive discretion. The basis for the executive director's decision must be stated.

4. In section 13.027 A.4., the language "but not limited to" is ambiguous. It would appear that this language could be stricken without affecting the substance or desired effect of the rule.

5. Section 13.027 A.10. is unclear as to what skills are to be examined and the relationship of the required skills to the job the applicant is seeking.

6. Sections 13.031 J.1.c., 13.032 H.1.c., and 13.034 A.3. are impermissible in that each section provides the board with unlimited discretion in the information that it might require. The types or areas of information that might be required must be specified.

7. In section 13.037 G.8., "majority" is misspelled.

After consideration of the above comments and board action, if any, these rules may be resubmitted for our review. Please note that the rules also must be resubmitted to the Revisor's Office for approval as to form. I am retaining for our file a copy of all pertinent documents; therefore, your resubmission need only include the new Rule as Adopted, an Order Adopting (or Supplemental Order), a board resolution, and relevant Findings of Fact and Conclusions. At the time of resubmission, please include a transmittal memorandum specifying that the rules are being resubmitted so that we may obtain our original file in this matter.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to call me.

JSA/sll

cc: Ms. Kathy Burek
Mr. Duane Harves

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

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

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 19, 1981, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on October 14, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 4 MCAR §§ 13.021 - 13.039 are adopted this 10th day of December, 19 81 pursuant to authority vested in the Board by Minnesota Statutes §§ 626.76 - 626.855; Minn. Stat. Ch. 214; Laws of 1981, Ch. 341; and Laws of 1981, Ch. 310.

STATE OF MINNESOTA

Mark K. Shields

Mark K. Shields
Executive Director

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Gerald R. Bridgeman, do hereby certify that I am a member, the Vice chairman and the acting chairman 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 28 day of January, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and 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, part-time peace officers and constables be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. § 626.76-626.855; Minn. Stat. §214; Laws of 1981, ch. 341; Laws of 1981, ch. 310 and that Mark K. Shields, the Executive Director of the Board of Peace Officer Standards and Training, be and hereby is authorized to sign an order adopting these rules as amended pursuant to the recommendation of the office of the Attorney General on December 29, 1981 and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of Law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of January, 1981.

Gerald R. Bridgeman

Gerald R. Bridgeman

Paul F. Knockenmus

Attest by one other Board member

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT of Commerce, POST Board

Office Memorandum

TO : Jerry S. Anderson
Special Assistant Attorney General

DATE: Jan. 29, 1982

FROM : William R. Carter, III
Standards Coordinator
Board of Peace Officer Standards and Training

SUBJECT: Rules of the Board of Peace Officer Standards and Training
4 MCAR 13.021 - 13.039

The POST Board met on January 28, 1982 and authorized an order adopting the above rules as amended pursuant to your recommendations. Copies of these rules are enclosed along with the resolution adopting rules and the order adopting rules.

If you should have any questions or comments, please feel free to contact me.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Peace Officer Standards and Training Board

Rule Numbers: 4 MCAR SS 13.021-13.039

Rule Title: Rules of Peace Officer Standards and Training Board Governing Selection, Training and Licensing of Peace Officers and Constables

Type of Rules: Permanent X

Temporary_____

Documents Incorporated by Reference: None except those automatically approved by statute.

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Roger J. Helder, JR.

Title: Assistant Revisor

Phone: 297-2948

Rules as Adopted

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

Table of Contents

4 MCAR S 13.021 Introduction and scope.

4 MCAR S 13.022 Definitions.

4 MCAR S 13.023 Basic course.
A. Subject areas and skills instruction.
B. Waiver.
C. Minimum requirements.
D. Learning objectives.
E. Participation requirement.
F. Coordinator duties.
G. Instructor requirements.

4 MCAR S 13.024 Certification of schools.
A. Application.
B. Provisional certification.
C. Certification.
D. School disciplinary action.
E. Sanctions.
F. Disciplinary proceedings.

4 MCAR S 13.025 Peace officer pre-employment education.
A. Academic examination.
B. Skills school.
C. Eligibility for academic and skills examination.
D. Reciprocity licensing examination.
E. Peace officer licensing examination.

4 MCAR S 13.026 Licensing examinations.
A. Application.
B. Nonrefundable fee.
C. Retaking examination.

4 MCAR S 13.027 Minimum selection standards.

A. Selection standards.

B. Documentation.

C. Requirements.

D. More rigid standards.

4 MCAR S 13.028 Licensing of peace officers.

A. Appointee notification.

B. Application procedures.

C. License certificate.

D. Licensing fee.

E. Surrender of license certificate.

4 MCAR S 13.029 Continuing education.

A. Statement of purpose.

B. Continuing education and license renewal.

C. Criteria for course approval.

D. Mandatory courses.

E. Learning objectives.

F. Review.

G. Inactive licensed officer.

H. Record-keeping.

I. Instructor credit.

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

K. Instances in which credit shall not be granted.

L. Endorsements.

4 MCAR S 13.030 License renewal.

A. Renewal.

B. Application.

C. Certificate of renewal.

D. Change of name.

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

A. Scope and purpose.

B. Notification of appointment of part-time officer.

C. Minimum selection standards.

D. First aid and firearms.

E. Documentation.

F. Notification of compliance.

G. Availability of documentation.

H. Expiration of license.

I. Issuance of license.

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

K. Inapplicability.

4 MCAR S 13.032 Constables.

A. Board notification.

B. Requirements.

C. Certification.

D. Notification of compliance.

E. Documentation.

F. Constable licensing examination.

G. Issuance of license.

H. Inactive status of constable license.

I. Inapplicability.

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

A. Purpose.

B. Eligibility.

C. Declaration of intent.

D. Removal of hour restriction.

E. Specialized training school.

F. Skills school.

G. Eligibility for licensing.

4 MCAR S 13.034 Inactive status of peace officer licenses.

A. Terminations.

B. Inactive status.

C. Selection standards.

4 MCAR S 13.035 Scope of standards of conduct.

A. Authority.

B. Scope.

C. Statement of purpose.

4 MCAR S 13.036 Standards of conduct.

4 MCAR S 13.037 Complaint processing.

A. Scope.

B. Complaint committee membership.

C. Complaint committee quorum.

D. Initial hearing.

E. Investigation.

F. Second hearing.

G. Appeals.

H. Settlement.

I. Review by the board.

J. License hearings.

4 MCAR S 13.038 Reimbursement to local units of government.

A. Annual reimbursement.

B. Equal shares of funds.

C. Part-time peace officer shares.

D. Application forms.

E. Signing of application forms.

F. Further information.

4 MCAR S 13.039 Reimbursement to institutions providing skills training.

A. Reimbursement.

B. Academic and skills program.

C. Student awards.

D. Application for reimbursement.

E. Application for approval.

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

4 MCAR S 13.022 Definitions.

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

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

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

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

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

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

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

H. Chief law enforcement officer. "Chief law enforcement

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

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

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

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

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

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

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

1. Red Cross advanced first-aid;

2. Emergency medical technician; or

3. EMS first responder (crash injury management).

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

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

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

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

clause (f).

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

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

4 MCAR S 13.023 Basic course.

A. Subject areas and skills instruction. 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; and

g. First aid.

2. Skills instruction in:

a. Techniques of criminal investigation and testifying;

b. Patrol functions;

c. Traffic law enforcement;

d. Firearms;

e. Defensive tactics;

f. Emergency vehicle driving; and

g. Criminal justice information systems.

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

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

D. Learning objectives. Periodically the board may issue

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

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

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

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

4 MCAR S 13.024 Certification of schools.

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

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

evaluation and inspection has been completed.

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

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

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

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

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

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

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

b. Filing of false reports with the board in cases where the board has requested reports; or

c. Obstructing a board investigation.

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

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

2. Formal or informal probation for the school; or

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

F. Disciplinary proceedings. Disciplinary proceedings under this rule shall be conducted pursuant to the Administrative Procedures Act, Minn. Stat. ch. 15, and the rules of the State Office of Administrative Hearings, 9 MCAR SS ~~2.101~~ 2.201-2.222.

4 MCAR S 13.025 Peace officer pre-employment education.

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

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

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

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

E. Peace officer licensing examination. Upon successful completion of the required peace officer licensing examination, a person is eligible for licensure as a peace officer for three years. If the person is not licensed after three years, the person may reinstate his eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate under the circumstances.

4 MCAR S 13.026 Licensing examinations.

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

nonrefundable fee as set forth in B.

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

1. Academic examination	$12.50
2. Skills examination	$12.50
3. Reciprocity examination	$25.00
4. Peace officer license endorsement examination	$12.50
5. Part-time peace officer licensing examination	$12.50
6. Constable licensing examination	$25.00

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

4 MCAR S 13.027 Minimum selection standards.

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

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

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

3. The applicant shall complete a comprehensive written application.

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

5. 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.

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

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

8. 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 the performance of peace officer duties.

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

10. 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.

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

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

D. More rigid standards. An appointing authority may require an applicant to meet more rigid standards than those prescribed in this rule.

4 MCAR S 13.028 Licensing of peace officers.

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

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

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

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

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

4 MCAR S 13.029 Continuing education.

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

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

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

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

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

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

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

5. Instructors who teach in continuing education courses

shall possess:

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

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

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

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

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

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

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

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

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

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

H. Record-keeping. A list of licensees who successfully

complete an approved continuing education course shall be maintained by the course sponsor and a copy transmitted to the board within ten days of the close of the course. The list shall be submitted on forms provided by the board and shall include the license number of each officer. Successful completion of the course shall be determined by the course sponsor.

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

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

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

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

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

L. Endorsements.

1. The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the

knowledge, skills and abilities needed to perform specialized law enforcement functions.

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

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

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

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

4 MCAR S 13.030 License renewal.

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

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

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

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

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

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years,

to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

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

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

c. $10 for renewal of a constable license.

2. The required hours of continuing education are:

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

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

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

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

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

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

A. Scope and purpose. In view of the Legislature's stated policy on part-time peace officers in Minn. Stat. S 626.8461 and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems

that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level.

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

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

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

2. A licensed physician or surgeon shall make a thorough medical examination of the part-time peace officer to determine if the officer is free from any physical condition which would

adversely affect the performance of part-time peace officer duties.

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

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

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

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

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

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

I. Issuance of license. The executive director shall issue

a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $5 if the license is valid for at least 30 months but less than 36 months; $3.33 if it is valid for at least 18 months but less than 30 months; and $1.66 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

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

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

a. Name of licensee;

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

c. Other information requested by the board.

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

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

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

4 MCAR S 13.032 Constables.

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

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

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

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

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

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

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a

written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $10 if the license is valid for at least 30 months but less than 36 months; $6.66 if it is valid for at least 18 months but less than 30 months, and $3.33 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. Inactive status of constable license.

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

a. Name of licensee;

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

c. Other information requested by the board.

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

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

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

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

A. Purpose. To meet the mandates of Laws of 1981, ch. 310, the board is hereby promulgating rules to provide a system

whereby part-time peace officers may, upon fulfilling certain conditions and requirements, obtain peace officer licenses.

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

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

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

C. Declaration of intent.

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

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

D. Removal of hour restriction.

1. The 20-hour per week limit prescribed by Minn. Stat. S 626.84, subd. 1., clause (f) for a part-time peace officer will be waived in accordance with Minn. Stat. S 626.84, subd. 1, clause (f) only after the board has formally approved the declaration submitted by the appointing authority. The 20-hour per week restriction may thereafter be waived at the discretion of the appointing authority for a period not to exceed one year. This one year limit may be extended only for compelling reasons, subject to board review and approval. No individual may have the hour restriction removed a second time if the individual fails to obtain a peace officer license within one year from the date the board approved the agency's declaration

of intent to have the individual become a peace officer. Waiver of the hour restriction may only be effected in a single agency in cases where the officer works for more than one department. An individual working for more than one agency whose hourly restriction has been waived in one of these agencies shall still be bound to the 20-hour a week limit in all other agencies for which the individual works.

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

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

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

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

4 MCAR S 13.034 Inactive status of peace officer licenses.

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

1. Name of licensee;

2. Licensee's forwarding address, unless licensee

requests that this information not be divulged; and

3. Other information requested by the board.

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

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

4 MCAR S 13.035 Scope of standards of conduct.

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

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

C. Statement of purpose. The board believes that in order for the public to have confidence in the integrity and ability of law enforcement, it is paramount that peace officers demonstrate that they are capable of self-regulation. The board further believes that internal discipline is properly a function of the appointing authority and its political subdivision. These standards of conduct relate to licensure only and

violations thereof do not enlarge on a peace officer's civil or criminal liability in any way.

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

A. The conviction 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;

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

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

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

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

F. Failure to pay the appropriate license renewal fee;

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

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

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

A. Scope. This rule shall constitute the code for regulating the management and processing of complaints concerning allegations of misconduct of all licensees. To the extent the terms of this rule are inconsistent with any other rules or agreements, the terms of this rule shall be controlling.

B. Complaint committee membership. The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint. At least two

of these members shall be peace officers. The board chairman shall appoint the complaint investigation committee and the chairman.

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

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

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

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

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

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

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

d. The committee may continue this matter.

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

to investigate the complaint.

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

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

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

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

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

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

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

c. The committee may continue the matter.

G. Appeals. Any member of the committee who has voted against any decision of the committee may appeal that decision to the full board by means of the following procedures:

1. The committee member bringing the appeal shall immediately inform the committee of the member's intention to do

so and action on the committee's decision shall be stayed pending the outcome of the appeal;

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

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

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

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

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

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

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

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

I. Review by the board.

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

2. The board shall review the report of the executive director and based on this report and the total record shall by absolute majority of the board membership take one of the

following actions:

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

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

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

d. The board may continue this matter.

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

J. License hearings.

1. Administrative license hearings shall be conducted in the manner prescribed by the contested case procedures mandated by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9 MCAR SS ~~2.101~~ 2.201-2.222, the rules of the Office of Administrative Hearings.

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

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

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

a. Order a re-hearing;

b. Revoke the officer's license;

c. Suspend the officer's license;

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

e. Reprimand the licensee; or

f. Take no further action.

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

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

4 MCAR S 13.038 Reimbursement to local units of government.

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

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

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

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

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

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

E. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority.

The forms shall be submitted to the executive director within 45 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

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

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

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

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

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

D. Application for reimbursement. Application shall be made through a written request signed by the coordinator of a skills course. The application shall state the names of the students for whom reimbursement is being sought.

E. Application approval. The executive director shall approve each application upon verification that the named

students have successfully completed the skills licensing test within the period prescribed in C. Payment shall be made to the skills school.

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

Rules as Adopted

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

Table of Contents

4 MCAR S 13.021 Introduction and scope.

4 MCAR S 13.022 Definitions.

4 MCAR S 13.023 Basic course.
A. Subject areas and skills instruction.
B. Waiver.
C. Minimum requirements.
D. Learning objectives.
E. Participation requirement.
F. Coordinator duties.
G. Instructor requirements.

4 MCAR S 13.024 Certification of schools.
A. Application.
B. Provisional certification.
C. Certification.
D. School disciplinary action.
E. Sanctions.
F. Disciplinary proceedings.

4 MCAR S 13.025 Peace officer pre-employment education.
A. Academic examination.
B. Skills school.
C. Eligibility for academic and skills examination.
D. Reciprocity licensing examination.
E. Peace officer licensing examination.

4 MCAR S 13.026 Licensing examinations.
A. Application.
B. Nonrefundable fee.
C. Retaking examination.

4 MCAR S 13.027 Minimum selection standards.

A. Selection standards.

B. Documentation.

C. Requirements.

D. More rigid standards.

4 MCAR S 13.028 Licensing of peace officers.

A. Appointee notification.

B. Application procedures.

C. License certificate.

D. Licensing fee.

E. Surrender of license certificate.

4 MCAR S 13.029 Continuing education.

A. Statement of purpose.

B. Continuing education and license renewal.

C. Criteria for course approval.

D. Mandatory courses.

E. Learning objectives.

F. Review.

G. Inactive licensed officer.

H. Record-keeping.

I. Instructor credit.

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

K. Instances in which credit shall not be granted.

L. Endorsements.

4 MCAR S 13.030 License renewal.

A. Renewal.

B. Application.

C. Certificate of renewal.

D. Change of name.

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

A. Scope and purpose.

B. Notification of appointment of part-time officer.

C. Minimum selection standards.

D. First aid and firearms.

E. Documentation.

F. Notification of compliance.

G. Availability of documentation.

H. Expiration of license.

I. Issuance of license.

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

K. Inapplicability.

4 MCAR S 13.032 Constables.

A. Board notification.

B. Requirements.

C. Certification.

D. Notification of compliance.

E. Documentation.

F. Constable licensing examination.

G. Issuance or license.

H. Inactive status of constable license.

I. Inapplicability.

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

A. Purpose.

B. Eligibility.

C. Declaration of intent.

D. Removal of hour restriction.

E. Specialized training school.

F. Skills school.

G. Eligibility for licensing.

4 MCAR S 13.034 Inactive status of peace officer licenses.

A. Terminations.

B. Inactive status.

C. Selection standards.

4 MCAR S 13.035 Scope of standards of conduct.

A. Authority.

B. Scope.

C. Statement of purpose.

4 MCAR S 13.036 Standards of conduct.

4 MCAR S 13.037 Complaint processing.

A. Scope.

B. Complaint committee membership.

C. Complaint committee quorum.

D. Initial hearing.

E. Investigation.

F. Second hearing.

G. Appeals.

H. Settlement.

I. Review by the board.

J. License hearings.

4 MCAR S 13.038 Reimbursement to local units of government.

A. Annual reimbursement.

B. Equal shares of funds.

C. Part-time peace officer shares.

D. Application forms.

E. Signing of application forms.

F. Further information.

4 MCAR S 13.039 Reimbursement to institutions providing skills training.

A. Reimbursement.

B. Academic and skills program.

C. Student awards.

D. Application for reimbursement.

E. Application for approval.

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

4 MCAR S 13.022 Definitions.

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

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

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

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

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

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

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

H. Chief law enforcement officer. "Chief law enforcement

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

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

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

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

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

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

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

1. Red Cross advanced first-aid;

2. Emergency medical technician; or

3. EMS first responder (crash injury management).

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

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

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

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

clause (f).

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

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

4 MCAR S 13.023 Basic course.

A. Subject areas and skills instruction. 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; and

g. First aid.

2. Skills instruction in:

a. Techniques of criminal investigation and testifying;

b. Patrol functions;

c. Traffic law enforcement;

d. Firearms;

e. Defensive tactics;

f. Emergency vehicle driving; and

g. Criminal justice information systems.

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

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

D. Learning objectives. Periodically the board may issue

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

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

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

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

4 MCAR S 13.024 Certification of schools.

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

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

evaluation and inspection has been completed.

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

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

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

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

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

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

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

b. Filing of false reports with the board in cases where the board has requested reports; or

c. Obstructing a board investigation.

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

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

2. Formal or informal probation for the school; or

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

F. Disciplinary proceedings. Disciplinary proceedings under this rule shall be conducted pursuant to the Administrative Procedures Act, Minn. Stat. ch. 15, and the rules of the State Office of Administrative Hearings, 9 MCAR SS 2.101-2.222.

4 MCAR S 13.025 Peace officer pre-employment education.

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

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

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

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

E. Peace officer licensing examination. Upon successful completion of the required peace officer licensing examination, a person is eligible for licensure as a peace officer for three years. If the person is not licensed after three years, the person may reinstate his eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate under the circumstances.

4 MCAR S 13.026 Licensing examinations.

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

nonrefundable fee as set forth in B.

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

1. Academic examination	$12.50
2. Skills examination	$12.50
3. Reciprocity examination	$25.00
4. Peace officer license endorsement examination	$12.50
5. Part-time peace officer licensing examination	$12.50
6. Constable licensing examination	$25.00

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

4 MCAR S 13.027 Minimum selection standards.

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

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

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

3. The applicant shall complete a comprehensive written application.

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

5. 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.

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

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

8. 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 the performance of peace officer duties.

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

10. 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.

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

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

D. More rigid standards. An appointing authority may require an applicant to meet more rigid standards than those prescribed in this rule.

4 MCAR S 13.028 Licensing of peace officers.

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

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

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

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

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

4 MCAR S 13.029 Continuing education.

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

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

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

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

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

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

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

5. Instructors who teach in continuing education courses

shall possess:

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

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

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

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

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

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

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

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

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

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

H. Record-keeping. A list of licensees who successfully

complete an approved continuing education course shall be maintained by the course sponsor and a copy transmitted to the board within ten days of the close of the course. The list shall be submitted on forms provided by the board and shall include the license number of each officer. Successful completion of the course shall be determined by the course sponsor.

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

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

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

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

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

L. Endorsements.

1. The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the

knowledge, skills and abilities needed to perform specialized law enforcement functions.

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

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

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

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

4 MCAR S 13.030 License renewal.

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

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

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

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

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

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years,

to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

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

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

c. $10 for renewal of a constable license.

2. The required hours of continuing education are:

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

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

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

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

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

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

A. Scope and purpose. In view of the Legislature's stated policy on part-time peace officers in Minn. Stat. S 626.8461 and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems

that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level.

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

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

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

2. A licensed physician or surgeon shall make a thorough medical examination of the part-time peace officer to determine if the officer is free from any physical condition which would

adversely affect the performance of part-time peace officer duties.

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

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

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

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

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

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

I. Issuance of license. The executive director shall issue

a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $5 if the license is valid for at least 30 months but less than 36 months; $3.33 if it is valid for at least 18 months but less than 30 months; and $1.66 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

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

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

a. Name of licensee;

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

c. Other information requested by the board.

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

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

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

4 MCAR S 13.032 Constables.

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

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

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

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

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

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

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a

written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR S 13.030 A. The appropriate licensing fee is $10 if the license is valid for at least 30 months but less than 36 months; $6.66 if it is valid for at least 18 months but less than 30 months, and $3.33 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. Inactive status of constable license.

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

a. Name of licensee;

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

c. Other information requested by the board.

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

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

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

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

A. Purpose. To meet the mandates of Laws of 1981, ch. 310, the board is hereby promulgating rules to provide a system

whereby part-time peace officers may, upon fulfilling certain conditions and requirements, obtain peace officer licenses.

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

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

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

C. Declaration of intent.

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

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

D. Removal of hour restriction.

1. The 20-hour per week limit prescribed by Minn. Stat. S 626.84, subd. 1., clause (f) for a part-time peace officer will be waived in accordance with Minn. Stat. S 626.84, subd. 1, clause (f) only after the board has formally approved the declaration submitted by the appointing authority. The 20-hour per week restriction may thereafter be waived at the discretion of the appointing authority for a period not to exceed one year. This one year limit may be extended only for compelling reasons, subject to board review and approval. No individual may have the hour restriction removed a second time if the individual fails to obtain a peace officer license within one year from the date the board approved the agency's declaration

of intent to have the individual become a peace officer. Waiver of the hour restriction may only be effected in a single agency in cases where the officer works for more than one department. An individual working for more than one agency whose hourly restriction has been waived in one of these agencies shall still be bound to the 20-hour a week limit in all other agencies for which the individual works.

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

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

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

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

4 MCAR S 13.034 Inactive status of peace officer licenses.

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

1. Name of licensee;

2. Licensee's forwarding address, unless licensee

requests that this information not be divulged; and

3. Other information requested by the board.

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

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

4 MCAR S 13.035 Scope of standards of conduct.

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

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

C. Statement of purpose. The board believes that in order for the public to have confidence in the integrity and ability of law enforcement, it is paramount that peace officers demonstrate that they are capable of self-regulation. The board further believes that internal discipline is properly a function of the appointing authority and its political subdivision. These standards of conduct relate to licensure only and

violations thereof do not enlarge on a peace officer's civil or criminal liability in any way.

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

A. The conviction 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;

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

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

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

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

F. Failure to pay the appropriate license renewal fee;

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

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

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

A. Scope. This rule shall constitute the code for regulating the management and processing of complaints concerning allegations of misconduct of all licensees. To the extent the terms of this rule are inconsistent with any other rules or agreements, the terms of this rule shall be controlling.

B. Complaint committee membership. The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint. At least two

of these members shall be peace officers. The board chairman shall appoint the complaint investigation committee and the chairman.

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

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

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

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

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

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

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

d. The committee may continue this matter.

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

to investigate the complaint.

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

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

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

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

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

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

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

c. The committee may continue the matter.

G. Appeals. Any member of the committee who has voted against any decision of the committee may appeal that decision to the full board by means of the following procedures:

1. The committee member bringing the appeal shall immediately inform the committee of the member's intention to do

so and action on the committee's decision shall be stayed pending the outcome of the appeal;

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

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

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

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

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

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

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

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

I. Review by the board.

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

2. The board shall review the report of the executive director and based on this report and the total record shall by absolute majority of the board membership take one of the

following actions:

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

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

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

d. The board may continue this matter.

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

J. License hearings.

1. Administrative license hearings shall be conducted in the manner prescribed by the contested case procedures mandated by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9 MCAR SS 2.101-2.222, the rules of the Office of Administrative Hearings.

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

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

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

a. Order a re-hearing;

b. Revoke the officer's license;

c. Suspend the officer's license;

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

e. Reprimand the licensee; or

f. Take no further action.

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

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

4 MCAR S 13.038 Reimbursement to local units of government.

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

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

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

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

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

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

E. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority.

The forms shall be submitted to the executive director within 45 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

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

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

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

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

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

D. Application for reimbursement. Application shall be made through a written request signed by the coordinator of a skills course. The application shall state the names of the students for whom reimbursement is being sought.

E. Application approval. The executive director shall approve each application upon verification that the named

students have successfully completed the skills licensing test within the period prescribed in C. Payment shall be made to the skills school.

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

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training Governing the Licensing of Peace Officers, Part-time Peace Officers and Constables.	ORDER FOR NOTICE OF ITENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 2nd day of October, 1981, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Board of Peace Officer Standards and Training for that purpose and be published in the State Register.

Mark K. Shields

Mark K. Shields
Executive Director

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Richard W. Setter, do hereby certify that I am a member and the Chairperson 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 9th day of September, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Mark K. Shields, executive director of the Board of Peace Officer Standards and Training, be hereby granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing the licensing of peace officers, part-time peace officers and constables, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of September, 1981.

Richard W. Setter, Chairperson

Attest by one other Board member

DMIN 1000

STATE OF MINNESOTA

DEPARTMENT Commerce (POST)

Office Memorandum

TO : File

DATE: 12/15/81

FROM : William R. Carter, III WRC
Standards Coordinator

SUBJECT: Written Comments On Proposed Rules

On November 14, 1981, the Notices of Intent to Adopt Rules Without A Public Hearing were sent to all persons who were on file with the Board.

On October 19, 1981, the POST Board's Proposed Rules were published in the State Register.

The Board did not receive any written comments during the 30-day period which followed.

WRC:mb

Board of Peace Officer

Standards and Training

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training

Notice of Intent to Adopt Rules Without A Public Hearing

Notice is hereby given that the Board of Peace Officer Standards and Training proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, Subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the notifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written request for a public hearing on a proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, Subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Board of Peace Officer Standards and Training, 500 Metro Square Building, St. Paul, Minnesota 55101. (612) 296-2620.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 626.76-626.855; Minn. Stat. § 214.; Laws of 1981, Ch. 341; and Laws of 1981, Ch. 310. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed

rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Board of Peace Officer Standards and Training upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Board of Peace Officer Standards and Training.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting the Board of Peace Officer Standards and Training.

Mark K. Shields

Mark K. Shields
Executive Director

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

William R. Carter, III, being first duly sworn, deposes and says:

That on the 14th day of October, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Board of Peace Officer Standards and Training for the purpose of receiving notice of the proposed adoption of rules by this agency.

William R Carter III

William R. Carter, III
Standards Coordinator

Subscribed and sworn to before me
this 19th day of November, 1981.

Richard D Hodsdon

RICHARD D. HODSDON
NOTARY PUBLIC — MINNESOTA
ANOKA COUNTY
My commission expires Sept. 30, 1986

Board of Peace Officer

Standards and Training

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training

Notice of Intent to Adopt Rules Without A Public Hearing

Notice is hereby given that the Board of Peace Officer Standards and Training proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, Subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the notifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written request for a public hearing on a proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, Subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Board of Peace Officer Standards and Training, 500 Metro Square Building, St. Paul, Minnesota 55101. (612) 296-2620.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 626.76-626.855; Minn. Stat. § 214.; Laws of 1981, Ch. 341; and Laws of 1981, Ch. 310. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed

rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Board of Peace Officer Standards and Training upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Board of Peace Officer Standards and Training.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting the Board of Peace Officer Standards and Training.

Mark K. Shields

Mark K. Shields
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the Board of Peace Officer
Standards and Training

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, Subd. 4, that their names be placed on file with and maintained by the Board of Peace Officer Standards and Training for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 1:00 P.M., this 14th day of October, 1981.

William R. Carter, III
Standards Coordinator

Board of Peace Officer Standards and Training

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

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Board of Peace Officer Standards and Training proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, Subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the notifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written request for a public hearing on a proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Board of Peace Officer Standards and Training, 500 Metro Square Building, St. Paul, Minnesota 55101. (612) 296-2620.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 626.76-626.855; Minn. Stat. § 214.; Laws of 1981, ch. 341; and Laws of 1981, ch. 310: Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Board of Peace Officer Standards and Training upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Board of Peace Officer Standards and Training.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting the Board of Peace Officer Standards and Training.

Mark K. Shields
Executive Director

Rules as Proposed (all new material)

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

Table of Contents

4 MCAR § 13.021 Introduction and scope.

4 MCAR § 13.022 Definitions.

4 MCAR § 13.023 Basic course.

A. Subject areas and skills instruction.

B. Waiver.

C. Minimum requirements.

D. Learning objectives.

E. Participation requirement.

F. Coordinator duties.

G. Instructor requirements.

4 MCAR § 13.024 Certification of schools.

A. Application.

B. Provisional certification.

C. Certification.

D. School disciplinary action.

E. Sanctions.

F. Disciplinary proceedings.

4 MCAR § 13.025 Peace officer pre-employment education.

A. Academic examination.

B. Skills school.

C. Eligibility for academic and skills examination.

D. Reciprocity licensing examination.

E. Peace officer licensing examination.

4 MCAR § 13.026 Licensing examinations.

A. Application.
B. Nonrefundable fee.
C. Retaking examination.

4 MCAR § 13.027 Minimum selection standards.

A. Selection standards.

B. Documentation.

C. Requirements.

D. More rigid standards.

4 MCAR § 13.028 Licensing of peace officers.

A. Appointee notification.

B. Application procedures.

C. License certificate.

D. Licensing fee.

E. Surrender of license certificate.

4 MCAR § 13.029 Continuing education.

A. Statement of purpose.

B. Continuing education and license renewal.

C. Criteria for course approval.

D. Mandatory courses.

E. Learning objectives.

F. Review.

G. Inactive licensed officer.

H. Record-keeping.

I. Instructor credit.

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

K. Instances in which credit shall not be granted.

L. Endorsements.

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

4 MCAR § 13.030 License renewal.

A. Renewal.

B. Application.

C. Certificate of renewal.

D. Change of name.

4 MCAR § 13.031 Licensing of part-time peace officers.

A. Scope and purpose.

B. Notification of appointment of part-time officer.

C. Minimum selection standards.

D. First aid and firearms.

E. Documentation.

F. Notification of compliance.

G. Availability of documentation.

H. Expiration of license.

I. Issuance of license.

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

K. Inapplicability.

4 MCAR § 13.032 Constables.

A. Board notification.

B. Requirements.

C. Certification.

D. Notification of compliance.

E. Documentation.

F. Constable licensing examination.

G. Issuance of license.

H. Inactive status of constable license.

I. Inapplicability.

4 MCAR § 13.033 Transition from part-time peace officer to peace officer.

A. Purpose.

B. Eligibility.

C. Declaration of intent.

D. Removal of hour restriction.

E. Specialized training school.

F. Skills school.

G. Eligibility for licensing.

4 MCAR § 13.034 Inactive status of peace officer licenses.

A. Terminations.

B. Inactive status.

C. Selection standards.

4 MCAR § 13.035 Scope of standards of conduct.

A. Authority.

B. Scope.

C. Statement of purpose.

4 MCAR § 13.036 Standards of conduct.

4 MCAR § 13.037 Complaint processing.

A. Scope.

B. Complaint committee membership.

C. Complaint committee quorum.

D. Initial hearing.

E. Investigation.

F. Second hearing.

G. Appeals.

H. Settlement.

I. Review by the board.

J. License hearings.

4 MCAR § 13.038 Reimbursement to local units of government.

A. Annual reimbursement.

B. Equal shares of funds.

C. Part-time peace officer shares.

D. Application forms.

E. Signing of application forms.

F. Further information.

4 MCAR § 13.039 Reimbursement to institutions providing skills training.

A. Reimbursement.

B. Academic and skills program.

C. Student awards.

D. Application for reimbursement.

E. Application for approval.

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

4 MCAR § 13.022 Definitions.

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

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

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

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

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

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

H. Chief law enforcement officer. "Chief law enforcement officer" means the highest ranking board licensed officer within an agency, or in the absence of one, the appointing authority.

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

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

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

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

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

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

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

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

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

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

R. Part-time peace officer. "Part-time peace officer" has the meaning assigned to it in Minn. Stat. § 626.84, subd. 1, clause (f).

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

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

4 MCAR § 13.023 Basic course.

A. Subject areas and skills instruction. 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; and
   g. First aid.
2. Skills instruction in:
   a. Techniques of criminal investigation and testifying;
   b. Patrol functions;
   c. Traffic law enforcement;

d. Firearms;

e. Defensive tactics;

f. Emergency vehicle driving; and

g. Criminal justice information systems.

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

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

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

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

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

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

4 MCAR § 13.024 Certification of schools.

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

B. Provisional certification. Upon receipt of a properly filed application, the board shall grant provisional certification to a school until such time as an on-site evaluation and inspection has been completed.

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

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

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

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

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

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

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

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

b. Filing of false reports with the board in cases where the board has requested reports; or

c. Obstructing a board investigation.

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

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

2. Formal or informal probation for the school; or

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

F. Disciplinary proceedings. Disciplinary proceedings under this rule shall be conducted pursuant to the Administrative Procedures Act, Minn. Stat. ch. 15, and the rules of the State Office of Administrative Hearings, 9 MCAR §§ 2.101-2.222.

4 MCAR § 13.025 Peace officer pre-employment education.

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

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

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

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

E. Peace officer licensing examination. Upon successful completion of the required peace officer licensing examination, a person is eligible for licensure as a peace officer for three years. If the person is not licensed after three years, the person may reinstate his eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate under the circumstances.

4 MCAR § 13.026 Licensing examinations.

A. Application. Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board prior to the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee as set forth in B.

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

1. Academic examination	$12.50
2. Skills examination	$12.50
3. Reciprocity examination	$25.00
4. Peace officer license endorsement examination	$12.50
5. Part-time peace officer licensing examination	$12.50
6. Constable licensing examination	$25.00

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

4 MCAR § 13.027 Minimum selection standards.

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

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

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

3. The applicant shall complete a comprehensive written application.

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

5. 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.

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

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

8. 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 the performance of peace officer duties.

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

10. 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.

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

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

D. More rigid standards. An appointing authority may require an applicant to meet more rigid standards than those prescribed in this rule.

4 MCAR § 13.028 Licensing of peace officers.

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

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

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

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

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

4 MCAR § 13.029 Continuing education.

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 peace officers and constables is necessary to promote and ensure their professional competence.

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

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. Endorsements.

1. The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills and abilities needed to perform specialized law enforcement functions.

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

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

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

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

4 MCAR § 13.030 License renewal.

A. Renewal. Peace officer licenses issued by the board pursuant to 4 MCAR § 13.028 are valid until they expire according to the provisions of that rule, are revoked, or are surrendered by the licensee. Constable licenses issued by the board pursuant to 4 MCAR § 13.032 are valid until they expire according to the provisions of that rule, are revoked, or are surrendered by the licensee. Part-time peace officer licenses issued by the board pursuant to 4 MCAR § 13.031 are valid until they expire, are revoked, or are surrendered by the licensee.

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

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

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

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

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:

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

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

c. $10 for renewal of a constable license.

2. The required hours of continuing education are:

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

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

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

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

D. Change of name. When a licensee's surname is changed by reason of marriage or a judicial order, the date of expiration of the licensee's license shall change in accordance with the initial letter of the licensee's new surname. The licensee shall pay a

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

proportional added fee if the new date of expiration is later than it would have been, but the licensee will receive a proportional refund if the new date of expiration is earlier than it would have been.

4 MCAR § 13.031 Licensing of part-time peace officer.

A. Scope and purpose. In view of the Legislature's stated policy on part-time peace officers in Minn. Stat. § 626.8461 and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level.

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Name of licensee;

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

c. Other information requested by the board.

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

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

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

4 MCAR § 13.032 Constables.

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

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

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

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

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

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

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR § 13.030 A. The appropriate licensing fee is $10 if the license is valid for at least 30 months but less than 36 months; $6.66 if it is valid for at least 18 months but less than 30 months, and $3.33 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. Inactive status of constable license.

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

a. Name of licensee;

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

c. Other information requested by the board.

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

3. An individual who is appointed or elected to the position of constable within one year of the date the individual's

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

license was placed on inactive status may not be required to comply with selection standards outlined in 4 MCAR § 13.031 C.1.-3. An individual who is appointed or elected as a constable more than one year after the date the individual's license was placed on inactive status shall be required to comply with selection standards outlined in 4 MCAR § 13.031 C.1.-3. prior to the individual's first day of employment.

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

4 MCAR § 13.033 Transition from part-time peace officer to peace officer.

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

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

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

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

C. Declaration of intent.

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

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

D. Removal of hour restriction.

1. The 20-hour per week limit prescribed by Minn. Stat. § 626.84, subd. 1., clause (f) for a part-time peace officer will be waived in accordance with Minn. Stat. § 626.84, subd. 1, clause (f) only after the board has formally approved the declaration submitted by the appointing authority. The 20-hour per week restriction may thereafter be waived at the discretion of the appointing authority for a period not to exceed one year. This one year limit may be extended only for compelling reasons, subject to board review and approval. No individual may have the hour restriction removed a second time if the individual fails to obtain a peace officer license within one year from the date the board approved the agency's declaration of intent to have the individual become a peace officer. Waiver of the hour restriction may only be effected in a single agency in cases where the officer works for more than one department. An individual working for more than one agency whose hourly restriction has been waived in one of these agencies shall still be bound to the 20-hour a week limit in all other agencies for which the individual works.

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

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

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

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

4 MCAR § 13.034 Inactive status of peace officer licenses.

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

1. Name of licensee;

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

3. Other information requested by the board.

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

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

4 MCAR § 13.035 Scope of standards of conduct.

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

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

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

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

A. The conviction 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;

B. The use of deadly force when not authorized by Minn. Stat. § 609.066;

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

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

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

F. Failure to pay the appropriate license renewal fee;

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

H. Any obstruction, hindrance, interference or prevention of the execution of 4 MCAR § 13.037.

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

A. Scope. This rule shall constitute the code for regulating the management and processing of complaints concerning allegations of misconduct of all licensees. To the extent the terms of this rule are inconsistent with any other rules or agreements, the terms of this rule shall be controlling.

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

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

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

1. Reasonable notice of the time, place and date of the meeting shall be given to the affected parties. The notice shall also

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

state the nature of the complaint and advise those notified that they may attend the meeting and have a reasonable opportunity to address the committee. The notice shall advise the affected parties of any staff recommendations concerning the complaint and the purpose of the meeting.

2. After review of the evidence the committee shall take one of the following actions and shall inform the affected parties of the committee's decision:

a. The committee may refer the complainant to another state or local agency which has jurisdiction over the subject matter of the complaint;

b. The committee may find no arguable violation of a rule or statute which the board is empowered to enforce has occurred;

c. The committee may find an arguable violation of a rule or statute which the board is empowered to enforce has occurred. If the committee so finds, it shall also determine the appropriate agency to investigate the matter or, if the matter has been adequately investigated, it may refer the matter to the board for further action; or

d. The committee may continue this matter.

E. Investigation. If the committee finds a possible violation has occurred, it shall refer the matter to the executive director who shall consult with the agency designated to investigate the complaint.

1. If the executive director finds that the appropriate agency has investigated the allegations in the complaint, the executive director shall obtain the information pursuant to Minn. Stat. § 214.10, subd. 5, and present it to the committee.

2. If the executive director finds that the appropriate agency has not investigated the allegations or has not provided the requested information, the executive director shall order the appropriate agency to conduct an investigation and provide its findings within 30 days. By majority vote, the committee may grant the agency a 15-day extension, subject to renewal upon request and approval of the majority of the committee members.

F. Second hearing. After the executive director receives the information, he shall call a meeting of the committee. The purpose of the meeting shall be to determine whether further board action is warranted.

1. Reasonable notice of the time, place and date of the meeting shall be given to the affected parties. The notice shall advise those affected parties that they may attend the meeting and have a reasonable opportunity to address the committee. It shall also advise the affected parties that the purpose of the meeting is solely to determine whether further board action is warranted.

2. After review of the evidence, the committee shall take one of the following actions and shall inform the affected parties of the committee's action:

a. The committee may find that no further board action is warranted;

b. The committee may find that further board action is warranted; or

c. The committee may continue the matter.

G. Appeals. Any member of the committee who has voted against any decision of the committee may appeal that decision to the full board by means of the following procedures:

1. The committee member bringing the appeal shall immediately inform the committee of the member's intention to do so and action on the committee's decision shall be stayed pending the outcome of the appeal;

2. The affected parties shall be promptly notified of the decision to appeal;

3. The board shall hear the appeal at the next regularly scheduled board meeting;

4. The appeal shall be on the record of the proceedings of the committee;

5. The committee member appealing the decision shall be given reasonable opportunity to present oral or written argument, or both, to the board;

6. The other committee members shall be given a reasonable opportunity to present oral or written argument, or both, to the board;

7. Committee members may vote on the issue under appeal; or

8. If a majority of the board members present reverse the decision of the committee, the matter will be remanded to the committee for action consistent with the reversal. In all other cases, the stay of action will be revoked and the matter will be remanded to the committee for further action.

H. Settlement. If a matter is referred to the executive director after a determination has been made that further board action is warranted, the executive director shall attempt to resolve the grievance or rectify improper activity through education,

conference, conciliation and persuasion of the appropriate parties. The executive director shall present a written report to the board of the result of his attempt in this regard.

I. Review by the board.

1. The affected parties shall be given reasonable notice of the board meeting at which the board will review the report of the executive director.

2. The board shall review the report of the executive director and based on this report and the total record shall by absolute majority of the board membership take one of the following actions:

a. The board may order an administrative hearing as provided by law;

b. The board may enter into a settlement agreement or compromise with the licensee. Violation of the terms of any such settlement may be grounds for additional board action;

c. The board may decide no further action is necessary; or

d. The board may continue this matter.

3. The board shall provide notice to the affected parties of the board's decision.

J. License hearings.

1. Administrative license hearings shall be conducted in the manner prescribed by the contested case procedures mandated by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9 MCAR §§ 2.101-2.222, the rules of the Office of Administrative Hearings.

2. After receipt of the report of the hearing examiner, the board chairman shall convene a special meeting of the full board.

3. Before the board votes to take action concerning a a license it shall provide the affected parties notice of the hearing and shall provide a reasonable opportunity to be heard and comment upon the report of the hearing examiner. This hearing shall be public. It shall be recorded.

4. The board shall take one of the following actions:

a. Order a re-hearing;

b. Revoke the officer's license;

c. Suspend the officer's license;

d. Enter a settlement agreement or compromise with the officer. Violations of the terms of the settlement may be grounds for further board action;

e. Reprimand the licensee; or

f. Take no further action.

5. Any of the actions listed in 4.a.-f. require a decision by an absolute majority of the board.

6. The affected parties shall be sent written notice of the decision and the reasons for the decision.

4 MCAR § 13.038 Reimbursement to local units of government.

A. Annual reimbursement. Pursuant to Laws of 1981, ch. 341, § 1, the board shall provide annual reimbursement to help defray the costs that have been incurred by local units of government in making continuing education available to the peace officers or constables, or both, employed by them; provided, however, that the board's program of reimbursement is contingent upon the continued availability of funds designated for that purpose.

B. Equal shares of funds. Equal shares of the available funds shall be disbursed to the local units for each peace officer or constable who:

1. Has been employed by the same local unit during at least eight of the 12 months immediately preceding the local unit's application for reimbursement; and

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

2. Has had at least 16 hours of board-approved continuing education made available to the constable or peace officer by the local unit during those 12 months.

C. Part-time peace officer shares. A share may be awarded when a peace officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

D. Application forms. The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. The board shall also provide a list of the peace officers or constables, or both, who, according to the board's records, were employed by the local unit as of July 1. When applying for reimbursement, a local unit shall affirm that it is eligible to be reimbursed in accordance with the board's list, or that a correction should be made and the amount of reimbursement should be adjusted in accordance with the correction.

E. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 45 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

F. Further information. The executive director may require such further information or documentation as may be necessary to substantiate a correction in the number of shares to be credited to an applicant for reimbursement. If the same peace officer or constable is claimed by more than one applicant, the executive director shall determine which applicant is eligible for the share. This determination shall be made by documented statements of hours worked. Reimbursement funds shall be disbursed to the county, municipal, or township treasurer as soon as possible after approval of the applications and computation of the amount per share to be awarded to each applicant.

4 MCAR § 13.039 Reimbursement to institutions providing skills training. For the purpose of this rule, a "board approved course in law enforcement skills training" means a skills school.

A. Reimbursement. Pursuant to Laws of 1981, ch. 341, § 1, the board shall provide reimbursement to institutions conducting board-approved courses in law enforcement skills training; provided, however, that the reimbursement program shall be conditional upon the continued availability of funds designated for this purpose.

B. Academic and skills programs. No reimbursement shall be awarded to a combined academic and skills program.

C. Student awards. Equal shares shall be awarded for each student successfully completing the board's skills licensing examination between July 1 and June 30 of a given fiscal year.

D. Application for reimbursement. Application shall be made through a written request signed by the coordinator of a skills course. The application shall state the names of the students for whom reimbursement is being sought.

E. Application approval. The executive director shall approve each application upon verification that the named students have successfully completed the skills licensing test within the period prescribed in C. Payment shall be made to the skills school.

Repealer. Rules 4 MCAR §§ 13.001-13.020 are repealed.

Department of Revenue
Income Tax Division

Proposed Rule Concerning Incorporation by Reference of the Internal Revenue Code (13 MCAR § 1.6102); Repealing Numerous Income Tax Rules

Notice of Intent to Adopt and Repeal Rules without a Public Hearing

Notice is hereby given that the Department of Revenue proposed to adopt the above-entitled rule and repeal numerous existing rules without a public hearing. The commissioner has determined that the proposed adoption of this rule and repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

2. Watercourses

Name	Section	Township	Range-to-Section	Township	Range
Unnamed tributary	14	104	17 (Waltham) 21	104	17 (Waltham)
Unnamed to CR	8	104	17 (Waltham) 2	104	18 (Udolpho)
Otter Creek	2	101	17 (Nevada) 36	101	18 (Lyle)
Unnamed tributary	11	101	17 (Nevada) 10	101	17 (Nevada)

B. Wetlands

None

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minnesota Statutes, §§ 15.0424 and 15.0425.

Any activity that would change the course, current or cross-section of protected waters or wetlands requires a permit from the Commissioner of Natural Resources. Minnesota Statutes, § 105.42, subd. 1 (1979). Designation as protected waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minnesota Statutes, § 105.391, Subdivisions 10 and 12 (1979).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated protected waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles
DNR—Division of Waters
Third Floor, Space Center Building
444 Lafayette Road
Saint Paul, MN 55101
Telephone: 612/297-2835

July 14, 1981

Joseph N. Alexander, Commissioner
Department of Natural Resources

Board of Peace Officer Standards and Training

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Licensing of Peace Officers, Part-time Officers, and Constables

Notice is hereby given that the Board of Peace Officer Standards and Training (POST) is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the licensing of peace officers, part-time officers, and constables. The promulgation of these rules is authorized by Minn. Stat. §§ 626.76-626.855; Minn. Stat. Ch. 214; Laws of 1981, Ch. 341; and Laws of 1981, Ch. 310.

POST requests that information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Mark K. Shields, Executive Director
Minnesota Board of Peace Officer Standards and Training
500 Metro Square Building
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 612-296-2620 and in person at the above address.

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training Governing the Selection, Training and Licensing of Peace Officers, Part-time Peace Officers and Constables.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in State Register on October 19, 1981, after proper notice required by Minnesota Statutes § 15.0412 was served upon all persons, associations, and other interested groups registered with the Board of Peace Officer Standards and Training 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 upon the records, files, and proceedings herein, I find the following:

1. The rules, as to be adopted; a copy of which is attached hereto as Exhibit A.

2. The Statement of Need and Reasonableness; a copy of which is attached hereto as Exhibit B.

3. The changes in the rules as set forth in Exhibit A are not significant changes of form or substance from the rules as published and proposed in the State Register on October 19, 1981, and therefore are not controversial and are adopted without additional public hearings or comment.

STATE OF MINNESOTA

BOARD OF PEACE OFFICER
STANDARDS AND TRAINING

Mark K. Shields

Mark K. Shields, Executive Director

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I. Richard W. Setter, do hereby certify that I am a member and the Board Chairman 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 9th day of December, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and 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, part-time peace officers and constables be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 626.76 - 626.855; Minn. Stat. Ch. 214; Laws of 1981, Ch. 341; and Laws of 1981, Ch. 310; and that Mark K. Shields, the Executive Director of the Board of Peace Officer Standards and Training, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of December, 1981.

Richard W. Setter, Board Chairman

Attest by one other Board Member

Exhibit B

STATEMENT OF NEED AND REASONABLENESS

REGARDING PROPOSED PERMANENT RULES OF THE

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

4 MCAR § 13.021 Introduction and Scope

Minn. Stat. § 626.84, et seq. (Supp. 1981) 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 § 13.022 Definitions

A. Applicability. It is necessary to show the limits of applicability of these rules.

B-T. Definitions. It is necessary to define certain terms used in these rules as these terms might otherwise be subject to various interpretations.

4 MCAR § 13.023 Basic Course

This rule is nearly identical to the previous Board Rule 13.003 under which the Board has operated for the past three years.

A. The only significant change here is that first-aid will now be required of students before they are eligible to take the academic examination. The previous rules did not specify when first-aid was to be completed. This ambiguity resulted in a number of problems for students and the Board alike. Advanced first-aid is a lengthy course and cannot reasonably be taught in the skills school without seriously abridging the curriculum of the skills school; and, in fact, first-aid has never been taught by the skills school. Nor is it generally possible for a student to obtain first-aid training concurrently with skills training. The Board's experience has shown that if first-aid is not completed prior to taking the licensing examination, considerable confusion often results on the part of hiring authorities over the applicant's licensing status. As a practical matter, this rule change will represent a significant improvement over the previous rules. By requiring first-aid training prior to completion of the academic program, all students completing a skills school and passing the skills licensing examination will be eligible for licensure.

B. This rule is identical to the previous rule 13.003 B.

C. This rule is identical to the previous rule 13.003 C, except for minor changes in wording.

D. This rule is identical to the previous rule 13.003 D, except for minor changes in wording.

E. This rule is identical to the previous rule 13.003 H, except for minor changes in wording.

F. This rule specifies the duties and functions of the coordinator at each school. As the coordinator is responsible for ensuring that Board learning objectives are met through his school's curriculum, it is necessary and reasonable for the Board to have access to documentation at each certified institution showing that the educational requirements leading to licensure are being met.

G. This rule is identical to the previous rule 13.004 except for minor changes in wording. The rule is placed here to improve the arrangement of these rules and to help better distinguish instructors at certified schools from continuing education instructors.

4 MCAR § 13.024 Certification of Schools

A. This was previously 4 MCAR § 13.005 A. The wording has been changed slightly to accommodate new terms which appear in the definition section.

B. This rule is identical to the previous rule 13.005 C.

C. It is necessary and reasonable to establish a time limit for provisional certification of schools. A one-year period is sufficient for the Board to make a considered judgment as to whether or not the school should be certified. A longer period of provisional certification would be unfair to any institution that is hesitant to commit itself fully to the establishment of a program that is not yet certified and would be similarly unfair to students who may already be in the program.

It is necessary and reasonable, however, for the Board to have a mechanism for decertifying any school that fails to continue to meet the criteria established in these rules; hence, the second part of this rule.

D. It is necessary and reasonable that the Board have the means for ensuring the continued cooperation of each school in all matters relating to peace officer education, training and licensing. The power to impose disciplinary action when necessary is the only means for ensuring that cooperation.

1-4. It is necessary and reasonable to specify the conditions necessary for continued certification of schools. These conditions are that the learning objectives be taught and that the staff and faculty cooperate with the Board in any investigations. This rule also specifies various categories of misconduct as grounds for disciplinary action.

E. It is necessary and reasonable to specify what sanctions the Board may impose.

F. This states the means by which disciplinary proceedings may be conducted.

4 MCAR § 13.025 Peace Officer Pre-Employment Education

A. This rule is identical to the previous rule 13.006 F, except for minor changes in wording.

B. This rule is nearly identical to the previous rule 13.006 F and G under which the Board has operated for the past three years. The Board has found that the six-month time limit on completing the skills school specified in the previous rules was unnecessary and it was impractical to enforce. The Board's experience shows that such a time limit should be a matter of policy for the school itself to address.

C. This rule is identical to the previous rule 13.006 H, except for minor changes in wording.

D. It is necessary and reasonable to have a mechanism whereby individuals trained in a state other than Minnesota and who wish to become employed here can become licensed without having to unnecessarily duplicate all of their basic police training. It is necessary, however, to give the Board a certain degree of discretion in determining what is comparable pre-employment education, as out-of-state training varies greatly in its quality and scope. At present, the Board recognizes basic police training acquired in all other states except Mississippi, West Virginia and Hawaii. The Reciprocity examination is intended to ensure that individuals from out-of-state who wish to become licensed in Minnesota have mastered applicable Minnesota Statutes and other essential information that is unique to Minnesota before they may be considered eligible to be licensed in Minnesota.

E. It is necessary and reasonable to state at what stage of any individual's professional preparation he is actually eligible for employment, as this is somewhat at variance with practices followed in other states. It is also different from the system used in Minnesota prior to 1980. Minn. Stat. § 620.84 Subd. 2 states that an officer must be licensed in order to carry a firearm and practice law enforcement.

4 MCAR § 13.026 Licensing Examinations

A. The Statutory authority for administering licensing examinations is given in Minn. Stat. § 214.06.

B. The Statutory authority for charging examination fees is provided in Minn. Stat. § 214.06.

C. It is necessary and reasonable to allow each applicant more than one opportunity to retake an examination, should he not pass it on the first attempt. However, due to the nature of the examination and the subject matter it encompasses, it is necessary to set a limit of two re-examinations if the examination is to accurately measure an applicant's knowledge of the subject matter.

4 MCAR § 13.027 Minimum Selection Standards

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 standards enumerated here are essentially the same as those in the previous rule 4 MCAR § 13.020.

A. Pursuant to 13.035 it is necessary for an individual to be licensed as a peace officer in order to carry a firearm while on duty and to practice law enforcement. It is therefore necessary and reasonable to establish that all selection standards be completed before an individual actually begins to work in the capacity of a law enforcement officer.

Agencies are given the authority to adopt previously completed standards at their own discretion as long as appropriate documentation is maintained pursuant to 4 MCAR § 13.027 B. This is necessary and reasonable to avoid costly and unnecessary duplication of selection standards.

1. No change from previous rule 4 MCAR § 13.020 B.1.

2. No change from previous rule 4 MCAR § 13.020 B.2.

3. No change from previous rule 4 MCAR § 13.020 B.3, except that second part of the previous rule has been moved to #4 for improved organization.

4. This is essentially the same as #3 of the previous rule 13.020 B, except for improved wording. The fingerprinting requirement has been moved to #6 for improved organization.

5. Identical to #4 of the previous rule 13.020 B.

6. The fingerprinting requirement was listed in #3 of the previous rule 13.020 B. That rule, however, did not specify to which agencies the fingerprints were to be sent; nor was it made clear what was to be done if a felony were disclosed by these means. Since confusion existed on this point, it is necessary and reasonable to specify here what these procedures shall be.

7. Identical to #5 of the previous rule 13.020 B.

8. Identical to #6 of the previous rule 13.020 B.

9. Identical to #7 of the previous rule 13.020 B.

10. Identical to #9 of the previous rule 13.020 B.

B. Since agencies are given the authority to apply the selection standards, it is necessary for them - and unnecessary for the board - to maintain documentation of these standards. However, since questions relating to an officer's licensing status may arise at any point subsequent to an officer's submitting a licensing application, it is necessary and reasonable that the board have clearly defined access to this documentation, should it find it necessary.

C. Licensed peace officers are not required by these rules to meet selection standards if they become employed with another agency. It is necessary and reasonable, however, to state that an agency is in no way prevented from applying any of these or similar standards at its own discretion.

D. It is necessary and reasonable to state that the minimum selection standards enumerated in this rule do not in any way prevent an agency from applying additional, or more stringent standards of its own, as this is consistent with the purpose of these minimum standards.

4 MCAR § 13.028 Licensing of Peace Officers

A. Notification to the Board shall take place before the appointee begins his employment because the appointee must be licensed to practice law enforcement pursuant to 13.035 and a license can only be activated by informing the board of the appointment and by meeting the selection standards.

B-D. For administrative purposes, it is necessary to distinguish between individuals who already are licensed peace officers, and those who are eligible to be licensed. These rules apply only to persons in the latter group. This rule also states when and how the license is actually obtained.

E. It is necessary and reasonable that the Board retain permanent ownership of the license in order to forestall problems that could arise if disciplinary sanctions against any license are taken.

4 MCAR § 13.029 Continuing Education

A. Except for minor changes in wording, this rule is nearly identical to the previous rule 13.008 A, under which the Board has operated for the past three years.

B. This rule is identical to the previous rule 13.008 B, except for minor changes in wording.

C. It is reasonable and necessary for the board to have the authority to establish criteria for establishing a professional level of continuing education and to ensure that this level is maintained.

D. This rule is identical to the previous rule 13.008 C, except for minor changes in wording.

E. In order to ensure uniformity in the level of instruction throughout the state, it is necessary and reasonable that the Board have the authority to issue specific learning objectives applicable to the content of continuing education courses.

F. It is necessary and reasonable for the Board to have the authority to monitor and evaluate any continuing education course in order to determine whether the standards established in these rules are being met.

G. Inactive licensees are required to meet similar continuing education standards to those for active licensees. However, if cases should arise where limited enrollment in a particular class results in certain individuals being precluded from attendance, it is reasonable as a means of determining priority, that active licensees be given precedence over inactive ones, since usually the urgency of the former group's need for attending a given class will, on the whole, be greater than that of the latter.

H. Recordkeeping. The Board maintains computer records of all continuing education credits earned by each licensed officer in the state in order to determine whether the continuing education requirement for renewal has been met. It is necessary and reasonable to require course sponsors to promptly notify the Board of all licensees who successfully complete a continuing education course to ensure that this record is kept up-to-date, so that possible discrepancies can be corrected within a short period of time, and no unmanageable recordkeeping backlog is created.

I. Instructor Credit. It is reasonable that some continuing education credit be awarded to instructors who are also licensed peace officers for the following reasons:

1. There is an inherent educational value in teaching. An instructor cannot help but increase and strengthen his own knowledge and expertise in a subject by designing, preparing and presenting a course on that subject.

2. As a practical matter, since the majority of instructors are licensed peace officers, instructor credit is a necessary and desirable incentive to induce officers with expertise in a certain subject to teach.

Two hours of credit are offered for each hour of instruction because of the amount of preparation time involved in teaching. No more than half of an individual's continuing education requirement may be fulfilled in this way. It is necessary to limit the amount of credit earned so that instructors will also be required to continually update their own education.

J. Non-Approval of Courses. The Board recognizes that many quality law enforcement related courses are given for which no prior approval has been sought; as, for example, a seminar given at a conference given in another state. It is therefore reasonable that licensees not be denied credit simply because formal Board approval was not sought prior to the course date.

It is necessary and reasonable that a formula be established for converting college credit to continuing education credit. The formula set forth in this rule has been carefully designed and developed.

K. In order to ensure and maintain a meaningful level of professional continuing education, it is necessary and reasonable to restrict or deny credit for certain kinds of educational activities that either are inadequately supervised, or that do not, in the Board's opinion, represent a sufficiently high level of educational content.

L. This rule sets forth a system for formally providing, measuring and acknowledging the knowledge, skills and abilities needed to perform specialized law enforcement functions.

The value of a peace officer's license is enhanced when it can acknowledge areas of expertise that its holder possesses. A license endorsement also has a practical value, such as, for example, when an officer is called to testify in court or is asked to instruct other officers.

4 MCAR § 13.030 License Renewal

A. Since the Board is mandated to license a large number of peace officers, part-time peace officers and constables, the three year renewal period provides a satisfactory means for carrying this out administratively, since only one-third of all licenses are renewed each year.

Three years of experience with this system for peace officers has led us to believe that this system will work best for part-time peace officers and constables as well.

B. It is necessary and reasonable to require that license renewal be carried out in a uniform and expeditious manner.

C. This rule is necessary and reasonable to establish the exact details of the renewal process, including: the deadline date for renewal, the fees and the amount of continuing education required for individuals in various categories.

D. In order to facilitate the administrative handling of license renewal, it is necessary and reasonable to have a rule which will ensure a smooth transition to a different renewal cycle if a change in surname places an individual in a different renewal category.

4 MCAR § 13.031 Part-Time Peace Officers

The Minnesota Board of Peace Officer Standards and Training has the authority to license part-time peace officers pursuant to Minn. Stat. §§ 626.845(d) and 626.8463. It is therefore necessary to establish procedures by which the board can comply with these statutes.

The previous rule, 4 MCAR § 13.014, established a provisional license to enable part-time peace officers to function in the capacity of part-time peace officers while they are fulfilling the requirements necessary to obtain the part-time peace officer license. In the present rule, the provisional license is to function exactly as before, and administrative processes associated with the provisional license are established for the first time.

A. Continuing education for part-time peace officers is not mandated by statute. The policy enunciated here leaves the question of continuing education for these officers to be addressed by each individual agency. It is based on the legislature's stated policy on the use of part-time peace officers and the manner in which they are to be trained.

B. Minn. Stat. § 626.8463 Subd. 2 requires that a peace officer be licensed in order to carry a firearm while on duty. It is therefore necessary and reasonable to require agencies to apply for provisional licensure of a part-time officer before the officer actually begins to function in a law enforcement capacity. If an individual officer or his agency were not required to make such an application before the officer commenced his duties, the officer would be practicing law enforcement without a license, and would continue to do so until such an application were made and approved.

An agency hiring a part-time officer who already possesses a part-time peace officer license should be required to notify the board before the individual may commence employment, so that the officer's license may be activated at the same time his employment begins.

C. Minn. Stat. § 626.8463(a) requires an agency to provide proof to the board within six months of appointment that a part-time peace officer has met the selection standards of the board then in effect. It is therefore necessary and reasonable to state what those selection standards are. The board has closely examined the nature of part-time peace officer work throughout the state and has chosen those selection standards which it deems most important to effectively screen out individuals unfit for the position. At the same time, these standards should not pose undue hardships for communities to apply.

D. These correspond to the requirements given in Minn. Stat. § 626.8463(b).

E. The statutes cited above do not state whether completion of any of the requirements listed in C and D of this rule prior to the officer's appointment to his present position should count toward obtaining a license. It is therefore desirable to have a rule that sets forth a clear policy on this question. The board believes that the decision of whether or not to adopt previously completed standards is best left up to the appointing authority. The appointing authority is required by this rule to document any previously completed requirements, however, so that the board shall have ready access to such information in the event that questions concerning the status of the individual's license ever arise.

F. Since the provisional part-time peace officer license is linked to compliance with 4 MCAR § 13.031 C and D, within the statutorily defined time frames, it is necessary and reasonable to establish a consistent and expeditious means for notifying the board of this compliance.

G. It is necessary and reasonable to designate a single individual within each agency who will be responsible for notifying the board of compliance with 4 MCAR § 13.031 C and D, as Minn. Stat. § 626.8463 clearly places the burden of such notification on the agency and not on the individual part-time peace officer.

H. Minn. Stat. § 626.8463 requires part-time peace officers to pass a board part-time peace officer licensing examination within 24 months of appointment. It is necessary to allow an individual to take this examination only after he has completed the provisions of 4 MCAR § 13.031 C and D to allow a simple and effective means for the board to systematically monitor compliance.

The 24-month limit on completing the part-time peace officer license set in Minn. Stat. § 626.8463 coincides with the maximum period a provisional license may be valid. It is necessary and reasonable to clearly establish this time limit in rule form because the provisional license is not statutorily determined.

I. It is necessary and reasonable to establish administrative procedures for issuance of the part-time peace officer license to individuals who have met all of the requirements set forth in this rule.

J. Because all licenses issued by the board are considered to be active only for as long as an individual remains employed as a peace officer, it is necessary and reasonable to establish administrative procedures for processing the licenses of part-time peace officers who terminate their employment with their agency.

Because some part-time peace officers may terminate their employment for a short period before becoming re-employed elsewhere, it is necessary to establish a policy on whether these individuals should have to resubmit to the selection standards detailed in 4 MCAR § 13.031 B. In light of the proposed rule 4 MCAR § 13.027 which does not require peace officers who leave law enforcement for a brief period to re-submit to selection standards upon being re-hired elsewhere, requiring part-time peace officers to do so is similarly unnecessary. A time limit of one year is reasonable to allow an officer to change employment within that relatively short time. A year limit is placed on this exemption so that the intended function of the selection standards is not sidestepped.

K. It is necessary to state that licensed peace officers, as defined in Minn. Stat. § 626.84(c), who might happen to be employed part-time shall not be required to meet the provisions of this rule because the selection and training requirements associated with the peace officer license are much more comprehensive in nature than those for the part-time peace officer license. In no case are peace officers required to obtain any other category of peace officer license.

4 MCAR § 13.032 Constables

The Minnesota Peace Officer Standards and Training Board has the authority to license constables pursuant to Minn. Stat. § 626.845 Subd. 2. It is necessary to establish procedures by which the board can comply with these statutes.

The concept of the provisional license for constables is identical to that for part-time officers and was established in 4 MCAR § 13.014 of the previous rules.

A. As constables must be licensed to perform their official function, it is necessary and reasonable to require that a designated authority notify the board of the election or appointment of any constable so that a license may be issued coincidentally with the constable's assumption of his duties.

B-E. Constables who have already fulfilled the selection and training requirements set forth in Minn. Stat. § 626.8463 and who are not already licensed by the board must meet requirements identical to those for part-time peace officers enumerated in 4 MCAR § 13.031 C and D. It is therefore necessary and reasonable to adopt a parallel administrative system for monitoring compliance with these requirements in order to establish eligibility for licensure.

F. This is identical to the requirement for part-time peace officers given in 4 MCAR § 13.031 H.

G. This is identical to the requirement for part-time peace officers given in 4 MCAR § 13.031 I, except that the fees enumerated here are the same as those for peace officers. It is reasonable to base the constable license fee on that for licensed peace officers (that is, full-time peace officers) because constables are not limited by law in the number of hours they may work, and are therefore, from the standpoint of their licensing status, not part-time employees. The lower fee for part-time peace officers is based on the fact that these individuals do, in fact, only work part-time.

H. This is identical to 4 MCAR § 13.031 J, stating the administrative policies for licenses of individuals who leave law enforcement.

I. This is identical to 4 MCAR § 13.031 K.

4 MCAR § 13.033 Transition From Part-Time Peace Officer To Peace Officer

A. Laws of 1981, Chapter 310 requires the board to establish a means by which part-time peace officers may, in certain instances, obtain a peace officer license by means of successfully completing additional training. This rule, if adopted, will specifiy the conditions for eligibility to pursue this route to licensing and establish what additional training will be required for officers in this category.

B. In order to preserve the integrity of the current system of law enforcement education in Minnesota and to avoid the possibility of deliberate circumvention of that system, it is necessary and reasonable to establish strict criteria for determining the eligibility of those who wish to avail themselves of this process.

1. A total of 1040 hours of experience as a licensed part-time peace officer is one of those criteria: it ensures that an individual has, on the average, already worked for at least a year since becoming licensed. Since one of the underlying concepts implicit in this new law is that experience will compensate for the training that is lost in this abbreviated system, a minimum

level of experience has to be established. A period of 1040 hours establishes a valid level of experience without eliminating many otherwise qualified persons through an unattainably higher number of working hours.

2. Before the board can consider lifting the hour restriction on any part-time officer, it is necessary that the officer meet the same selection standards that all other full-time peace officers are required to meet prior to employment. As part of a city's demonstration of a compelling need to have its officer pursue this transitional route, it is reasonable to require that the officer meet all selection standards. In this way, no time or resources will be lost in considering the application of an unqualified person.

C. As this transitional process is to be available on the basis of "compelling need", as stated in Chapter 310, it is necessary and reasonable to establish a formal process whereby this need may be demonstrated. By requiring a formal resolution on the part of the hiring authority to effect this transition, capricious decisions by single individuals within an agency, that may not accurately reflect the desires of the authority as a whole, may be tempered or controlled.

A requirement for prompt submission of this document to the board following the formal resolution is necessary (1) to ensure that the administrative process of acting on the city's application can be carried out in an orderly and speedy fashion, and (2) to prevent possible abuse of the system by cities that might wish to retroactively justify an excessive number of hours worked by a part-time officer.

D. 1. It is necessary and reasonable to place a limit on the period of time an individual shall be allowed to have his hour restriction removed to prevent serious abuses of this transitional system, such as, for example, circumvention of the entire current law enforcement educational system. To allow an individual an indefinite period to pursue the specialized training set forth in this rule would almost certainly result in a number of inadequately trained individuals working and functioning as full-time peace officers, with no intention of, or incentive to, ever complete their training.

For the same reason, it is further necessary to prevent any individual who has failed to obtain the required training within the one year limit, from bypassing the time limit altogether by applying for successive waivers of the hour restriction.

It is necessary to reiterate the fact that this waiver of hours may come only on the initiative of each single agency through its officer and should not operate on the officer's own initiative. Therefore the lifting of the hour restriction may benefit only the agency that has filed the declaration of intent.

2. It is clear from the statute that, as a part-time peace officer proceeds with this transitional system, the only real change in his licensing status is in the lifting of the 20-hour per week limit. In other words, the officer is still a licensed part-time officer in all other aspects, including counting towards his agency's quota. It is therefore necessary and reasonable to state this fact unequivocally in rule form to avoid possible misunderstanding.

E. Laws of 1981, Chapter 310, directs the board to consult and cooperate with post-secondary institutions in the establishment of a course of specialized training for part-time peace officers who have had their hour restriction removed and who wish to obtain a peace officer license.

Such training may be made available by any sponsoring agency that wishes to provide it, as long as the requirements of 4 MCAR § 13.023 A are met. Although the intention of this "specialized training" is to allow qualified individuals to obtain a peace officer license in the shortest possible period, the specialized training school must meet all of the criteria enumerated in 4 MCAR § 13.023. In addition, the student must satisfactorily complete all necessary requirements before he shall be permitted to take the licensing examinations.

F. It is necessary and reasonable that individuals availing themselves of the transitional process be required to attend a skills school for the reason stated in E above.

G. It is necessary and reasonable to state at what stage in this process a part-time peace officer shall be eligible to be licensed. Having completed the skills examination, an individual in this category has met all licensing requirements and may be licensed pursuant to 4 MCAR § 13.028.

4 MCAR § 13.034 Inactive Status of Peace Officer License

A. Because the status of peace officer's license is tied to his employment as a peace officer, it is necessary and reasonable to have a rule requiring agencies to report to the Board all terminations so that appropriate administrative action by the board can be taken.

B. This rule pertains to people who leave law enforcement and wish to retain their license. Adoption of this rule will facilitate an individual's re-entry into law enforcement without further training or testing because the board would have the assurance that this person has remained current in the field.

C. The invoking of selection standards after a person has been out of law enforcement for more than a year is consistent with the provisions of 4 MCAR § 13.027. A person who is out of law enforcement for less than a year is exempt from this provision because a reasonable time limit had to be established to avoid redundant and unnecessary re-application of standards in situations where an officer spends a few weeks or months between jobs. A year is a reasonable limit to this exemption.

4 MCAR § 13.035 Scope of Standards of Conduct

The language of this rule has been adopted unchanged from section 13.011 of the previous rules.

4 MCAR § 13.036 Standards of Conduct

A-G. These seven standards of conduct have been adopted unchanged from the previous rule 4 MCAR § 13.012.

H. The board is empowered by Minn. Stat. § 626.842 Subd. 2 to investigate and process complaints made against individuals it licenses. 4 MCAR § 13.037, if adopted, will detail the administrative procedures to be followed in investigating and processing complaints. Cooperation with the board by individuals who may be connected in any way with a complaint investigation or disposition is essential to an impartial and effective adjudication. To help ensure this cooperation on the part of licensees who may have conflicting interests in a given complaint investigation, it is necessary and reasonable for the board to have the authority to impose sanctions on individuals who might otherwise refuse to cooperate.

4 MCAR § 13.037 Complaint Processing

A. Minn. Stat. § 626.842 Subd. 2 directs the board to investigate and process complaints pursuant to Minn. Stat. § 214. Minn. Stat. §§ 214.10 and 214.11 detail the procedures to be followed in the investigation, processing and hearing of complaints. The purpose of this legislation is to ensure that all peace officers conform to minimum standards of conduct. At the same time, it seeks to preserve respect for the rights of peace officers and the public in enforcing those standards.

It is necessary and reasonable to establish the exact manner in which the processing of complaints is to take place, as there are some details of this process that are left unspecified in the statutes. In order to present this process in a coherent and complete format, some parts of this rule necessarily duplicate the statutory language of Minn. Stat. §§ 214.10 and 214.11.

This rule provides a necessary and reasonable procedure that will allow for a consistent and orderly administration of the provisions of the above-named statutes.

B. Minn. Stat. § 214.10 Subd. 4 specifies the composition of the complaint committee, but does not state who shall appoint these members or name the chairman. It is therefore necessary and reasonable that the board chairman shall perform these functions, as it is he who has the ultimate responsibility for the direction of the activities of this committee.

C. It is necessary and reasonable to state that all three members of the complaint committee shall be present to act and that the committee's decision shall be by majority vote. This will prevent the possibility of any two members acting and reaching decisions irrespective of the wishes of the third member.

D. Minn. Stat. § 214.10 Subd. 4 states that the subcommittee "shall determine by majority vote whether the complaint constitutes reasonable grounds to believe that a violation within its jurisdiction of enforcement has occurred, and to this end shall afford the party bringing the complaint, the chief law enforcement officer of the agency employing the peace officer who is party to the action, and the subject of the complaint a reasonable opportunity to be heard.

1. The purpose of the initial hearing is to comply with this statutory directive. It is necessary and reasonable to establish administrative policies that will allow a consistent and workable system for conducting this hearing.

2. The results of this initial hearing are spelled out in Minn. Stat. § 214.10 Subd. 4, 5, and 6. The option to continue is a necessary one in those cases where, due to a lack of sufficient information, no reasoned decision can yet be adequately formulated.

E. This rule establishes the procedure for carrying out the provisions of Minn. Stat. § 214.10 Subd. 5. It is necessary to specify fifteen days as the reasonable extension mentioned in Subd. 5 to ensure that excessive and unnecessary delays do not occur in the processing of complaints.

F. 1. The second hearing is specified in Minn. Stat. § 214.10 Subd. 5 as a means for considering the results of the investigation and determining what further action should be taken. It is necessary and reasonable that administrative policies be established that will provide for a consistent and workable system for conducting this hearing.

2. The results of this hearing are spelled out in Minn. Stat. § 214.10 Subd. 5 and 6. The option to continue the matter is a necessary one in those cases where, due to a lack of sufficient information, no reasoned decision can yet be adequately formulated.

G. Minn. Stat. § 214.10 Subd. 5 states that the committee's decision may be appealed to the full board by any member of the committee. It is necessary and reasonable to establish administrative procedures by which such as appeal may be carried out promptly and within the provisions of this statute.

H. This rule repeats the statutory language of Minn. Stat. § 214.10 Subd. 6. It is necessary to include it here for reasons stated in section A above.

I. Minn. Stat. § 214.10 Subd. 6 directs the board to review the findings of the committee at this stage of the process. It is necessary and reasonable to establish procedures by which this review can be carried out in a consistent and expeditious manner.

J. Pursuant to Minn. Stat. § 214.10 Subd. 6, the board may order a license revocation hearing in accordance with Minn. Stat. § 15. It is necessary and reasonable to set up administrative procedures through which this review can be carried out in a consistent and expeditious manner.

4 MCAR § 13.038 Reimbursement to Local Units of Government

A. The Board is authorized by Minn. Stat. § 626.86 to reimburse local units of government to help defray the costs of continuing education with funds appropriated by the legislature. This rule is necessary and reasonable to provide a mechanism for effecting that reimbursement.

B. In effecting this reimbursement, it is necessary to establish criteria for eligibility that are equitable and workable. It is necessary and reasonable to apply minimum requirement to determine eligibility so that agencies cannot claim shares of the reimbursement fund for officers who did not actually receive a minimum amount of continuing education, or who worked for two or more departments during the reimbursement period and have already been reimbursed for some of that training at one of their other departments.

C. It is necessary, in light of what was stated above, to ensure that no two agencies are reimbursed for the same officer, regardless of what the arrangement for sharing the officer's services between those two agencies may have been (see F below).

D-E. It is necessary and reasonable to establish an administrative procedure for effecting this reimbursement each year.

F. It is necessary and reasonable to establish discretionary power for the executive director in determining which agency may claim an individual for reimbursement in disputed instances where the individual has worked for more than one agency during the reimbursement period. It is also necessary that the director be given the authority to obtain any further information that might be necessary in making this determination.

4 MCAR § 13.039 Reimbursement To Institutions Providing Skills Training

A. Pursuant to Laws of 1981, Chapter 341, Subd. 1, the Board shall provide reimbursements to institutions conducting board-approved courses in law enforcement skills training. In order for the Board to make these reimbursements, it is necessary to establish administrative procedures for doing so.

It is necessary to state that such reimbursement is contingent upon the continued availability of funds designated for this purpose, because were the funds to be discontinued, reimbursement could not take place, and this rule could no longer be kept in force.

B. The purpose of this reimbursement is to help institutions meet the high cost of skills training and to ensure the continued existence of this vital step in the law enforcement training process. It is necessary to state that schools which combine academic and skills training not be included in this reimbursement, because (1) they are not actually providing a skills course per se, and do not, therefore, qualify as skills schools, and (2) to include them in this reimbursement would dilute the reimbursement the skills schools receive, thereby possibly endangering the continued existence of the skills schools.

C. The statute referred to in the preceding paragraphs states that each school should receive a reimbursement based on the number of students completing the program. It is necessary and reasonable to establish an administrative process for distributing this appropriation.

D. In order that the reimbursement process may be administered in a consistent and efficient manner, it is necessary to designate a single official connected with each skills program to make the application for reimbursement. It is necessary and reasonable to have the school include in its application for reimbursement the names of those for whom reimbursement is being sought in order to ensure that an exact and verifiable number is submitted to the Board.

E. It is necessary and reasonable to state how each application shall be verified and approved, and how payment shall be made.

DMIN 1000

STATE OF MINNESOTA

DEPARTMENT Commerce (POST Board)

Office Memorandum

TO : File

DATE: 12/15/81

FROM : William R. Carter, III WRC3
Standards Coordinator

SUBJECT: Notice of Submission to the Attorney General

No people requested to be informed that these rules were being submitted to the Attorney General.

WRC:mb

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

I, Special Assistant Attorney General Richard D. Hodsdon, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Richard D. Hodsdon

Richard D. Hodsdon
Special Assistant Attorney General

Dated: December 15, 1981