

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1368 Docket No. 05.0009.041

DATE RECEIVED 5/18
REVIEW DATE 5/27
DUE DATE 6/1

APPROVED 6-1-87 mjC
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED ✓
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

___ ~~Notice to Solicit Outside Information~~/Opinion
Date published in State Register
Comments

___ ~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
214.10, 214.12, 626.843 subd 1 + 626.845 subd 1(i) Statutory Authority
yes Small business statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
2/20/87 Date 30/25 days before adoption

✓ Publication in State Register
2/23/87 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
4/23/87 Date

___ ~~Written requests, submissions or comments~~

✓ Declaration of attorney
Ivy Cutler Name of SAAG representing agency

✓ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney General~~

✓ Certificate

Nancy Index Card ?

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : June 2, 1987

TO : WILLIAM R. CARTER, III
Standards Coordinator
Minnesota Board of Peace Officer Training

FROM : MARTHA CASSERLY
Special Assistant
Attorney General

PHONE : 6-6204

SUBJECT : In the Matter of the Adopted Rule Relating to
Peace Officers Standards and Training Board - Licensing

The above-referenced rule has been approved as to its legality by the Attorney General on June 1, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:nah

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Adminsitrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

AG Copy

Peace Officers Standards and Training Board

RECEIVED
FEB 26 1987
POST

Adopted Rules Relating to Licensing

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. **Conviction of a felony.** "Conviction of a felony" means that a person has been charged with a crime punishable by more than one year and that the person was convicted of that crime regardless of a stay of imposition or stay of execution.

6700.0500 ACADEMIC AND SKILLS LICENSING EXAMINATIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the required academic and skills licensing examinations, 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 based on the substantive changes in law and police practices.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. **Scope.** For the purposes of this part, the terms defined have the meanings given to them.

Subp. 2. **Basic police education.** "Basic police education" means:

A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or

B. a basic course sponsored by the federal government for its law enforcement officers, (including but not limited to,) the basic Drug Enforcement Administration's agent school, the

ok - more of an example

Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Center's uniformed patrol course or basic investigators course.

Subp. 3. **Law enforcement officer.** "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Subp. 4. **Comparable preemployment education.** "Comparable preemployment education" means a total of ten points or more.

A. Years of experience:

(1) one to five years, five points;

(2) five years and one day to ten years, six points;

(3) ten years and one day to 15 years, seven points;

(4) 15 years and one day to 20 years, eight points;

(5) 20 years and one day or more, nine points.

B. Basic police education:

(1) 350 or more hours, five points;

(2) 280 to 349 hours, four points;

(3) 210 to 279 hours, three points;

(4) 140 to 209 hours, two points;

(5) 100 to 139 hours, one point;

(6) less than 99 hours, zero points.

C. Postsecondary degree, one point.

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of the Council on Postsecondary Accreditation and authorized to award such titles including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, Bachelor of Science (B.S.) degrees.

Subp. 6. **Years of experience.** "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course.

Subd. 7. **Qualifications.** A person who has comparable preemployment education, who has had one continuous year of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination.

Subp. 8. **Eligibility.** The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600.

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice.

Subp. 10. **Applicability.** This part shall not apply to a person who holds a lapsed, revoked, or suspended peace officer license.

6700.0601 EXAMINATION STANDARDS.

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

A. making any false material statement to the board;

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

C. referring to books or any study material during

the examination, except with the express permission of the monitor;

D. obstructing a board investigation;

E. without board authorization, possessing a copy of any of the board's examinations;

F. aiding another person to violate items A to E;

G. having been convicted of a felony in any state or federal jurisdiction; or

H. having been convicted of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

Subp. 2. **Disciplinary proceedings.** Disciplinary hearings under this rule shall be conducted pursuant to Minnesota Statutes, section 214.10, subdivisions 2 to 5; parts 1400.5100 to 1400.8400; part 6700.1700; the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69; and the rules of the Office of Administrative Hearings, chapter 1400. The requirement to notify the chief law enforcement officer shall be waived if the person does not currently possess a license.

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

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **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 subpart 2.

A. to G. [Unchanged.]

H. An evaluation, including an oral interview, 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.

I. and J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1, items A to J. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subparts 1 and 2, or subpart 3. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. and 4. [Unchanged.]

6700.0701 NOTIFICATION OF CONVICTION.

If any background search required by parts 6700.0100 to 6700.1900 reveals a conviction of a felony, the conviction of a crime listed in Minnesota Statutes, section 214.10, subdivision 2a, or the conviction of a crime which was charged under an ordinance but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.

6700.0901 DEFINITIONS.

For the purpose of this part, the following words and phrases in this part have the meanings given.

Subpart 1. **Accreditation.** "Accreditation" means authority granted by the board to a school, agency, or association of agencies to approve courses for continuing education credit.

Subp. 2. **Continuing education coordinator.** "Continuing education coordinator" means a full-time employee appointed by the continuing education sponsor to manage the day-to-day activities of the accreditation program. The person shall have professionally recognized training and experience in adult education activities.

Subp. 3. **Continuing education sponsor.** "Continuing education sponsor" means a school, agency, or association of agencies which has received accreditation.

Subp. 4. **Disciplinary action.** "Disciplinary action" means one or more of the following: letter of censure to the course

sponsor, probation of the course sponsor, or suspension or revocation of the accreditation.

6700.0902 ACCREDITATION.

Subpart 1. **Application form.** A school, agency, or association of agencies which seeks to become a continuing education sponsor shall submit a completed application on a form provided by the board. The application must include proof that the applicant has:

(1) conducted a formal training needs assessment;

(2) access to the necessary training facilities and equipment to carry out training activities;

(3) a continuing education coordinator with adequate support staff; and

(4) policies for the evaluation of each course conducted.

Subp. 2. **Provisional accreditation.** Upon review of the application, and having determined that the applicant has met the requirements listed in subpart 1, the board shall grant provisional accreditation.

Subp. 3. **Accreditation.** After the continuing education sponsor has completed a workshop on accreditation procedures and the board has completed an on-site evaluation of the continuing education sponsor, the board shall grant or deny accreditation. Final accreditation must be granted or denied within one year of the date on which provisional accreditation was granted.

Subp. 4. **Continuing education coordinator duties.** The continuing education coordinator shall have the following duties:

A. approve in the continuing education sponsor's courses pursuant to part 6700.0900, subpart 3, items E, F, and G;

B. calculating the number of continuing education hours for each course the continuing education sponsor approves pursuant to part 6700.0900, subpart 3, item H; and

C. maintaining lesson plans and instructor credentials for each course it sponsors including handout materials, attendance policy, and evaluations.

Subp. 5. **Change of continuing education coordinator.** The continuing education sponsor shall notify the board within ten days after the continuing education coordinator has left the position. If the position is not filled within 30 days of the position being vacated, the course sponsor shall not use the process prescribed by this part until the new continuing education coordinator is hired. If the continuing education sponsor applies for credit for a course when there is no continuing education coordinator, the continuing education sponsor shall submit the course for approval pursuant to part 6700.0900, subpart 3, item G. The continuing education sponsor shall provide the board the name of the new coordinator before the coordinator's first day of employment.

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers or constables who complete each course, each peace officer or constable license number, and the number of continuing education hours which are to be credited to each peace officer or constable. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers or constables who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the commencement of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers and constables who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. **Violations.** The board may take disciplinary action against a continuing education sponsor for any violation of this part by the sponsor or the continuing education coordinator. Also, disciplinary action may be taken when the continuing education sponsor, continuing education coordinator, or faculty does not cooperate with the board in the investigation of a violation of this part.

Subp. 11. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69, and the rules of the Office of Administrative Hearings.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of part-time peace officer license.** 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 the name of licensee, licensee's forwarding address, unless the licensee requests that this information not

be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than three years after the date the individual's license was placed on an inactive status is required to complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the documentation necessary to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1201 CONSTABLES.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than three years after the date the individual's license was placed on an inactive status is required to complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the necessary documentation to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

Subpart 1. and 2. [Unchanged.]

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

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

A. to D. [Unchanged.]

E. any violation of a board rule set forth in parts 6700.0100 to 6700.1900;

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700; or

G. the conviction of a crime which was charged under an ordinance but which would be a conviction under Minnesota Statutes, section 609.52 if it was charged under state law.

REPEALER. Minnesota Rules, part 6700.0500, subpart 4, is repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 2 1987
Joan Anderson Growe
Secretary of State
11:22 AM

APPROVED AS TO FORM AND LEGALITY
June 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassuly
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, John D. Erskine, do hereby certify that I am a member and 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 29th day of January, 1987, 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 and he hereby is 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 notification of convictions, standards of conduct, selection standards, licensing examinations, and accreditation, 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 29th day of January, 1987.

John D. Erskine, Chairman
Minnesota Board of Peace Officer
Standards and Training

Deborah L. Montgomery
Attest by one other Board member

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 notification of convictions, standards of conduct, selection standards, examination standards, licensing examinations and accreditation.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED this 2nd day of February, 1987, that a Notice of Intent to Adopt Rules Without a 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.

STATE OF MINNESOTA

Mark K. Shields

Mark K. Shields, Executive Director
Board of Peace Officer Standards
and Training

Peace Officers Standards and Training Board

Proposed Rules Relating to Licensing

Rules as Proposed

6700.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. **Conviction of a felony.** "Conviction of a felony" means that a person has been charged with a crime punishable by more than one year and that the person was convicted of ~~that~~ crime regardless of a stay of imposition or stay of execution.

6700.0500 ~~PEACE-OFFICER-PREEMPLOYMENT-EDUCATION~~ ACADEMIC AND SKILLS LICENSING EXAMINATIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. ~~**Peace-officer-licensing-examination**~~ **Reinstatement of eligibility**. Upon successful completion of the required ~~peace-officer-licensing-examination~~ academic and skills licensing examinations, 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 based on the substantive changes in law and police practices.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. **Scope.** For the purposes of this part, the terms defined have the meanings given to them.

Subp. 2. **Basic police education.** "Basic police education" means:

A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or

B. a basic course sponsored by the federal government

Approved by Revisor Robert P. Kitta

for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Center's uniformed patrol course or basic investigators course.

Subp. 3. **Law enforcement officer.** "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Subp. 4. **Comparable preemployment education.** "Comparable preemployment education" means a total of ten points or more.

A. Years of experience:

(1) one to five years, five points;

(2) five years and one day to ten years, six points;

(3) ten years and one day to 15 years, seven points;

(4) 15 years and one day to 20 years, eight points;

(5) 20 years and one day or more, nine points.

B. Basic police education:

(1) 350 or more hours, five points;

(2) 280 to 349 hours, four points;

(3) 210 to 279 hours, three points;

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(5) 100 to 139 hours, one point;

(6) less than 99 hours, zero points.

C. Postsecondary degree, one point.

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of the Council on Postsecondary Accreditation and authorized to award such titles including, but not limited to, Associate of Arts (A.A.) degrees, Associate of

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Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, Bachelor of Science (B.S.) degrees.

Subp. 6. **Years of experience.** "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course.

Subd. 7. **Qualifications.** A person who has comparable preemployment education, who has had one continuous year of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination.

Subp. 8. **Eligibility.** The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600.

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice.

Subp. 10. **Applicability.** This part shall not apply to a person who holds a lapsed, revoked, or suspended peace officer license.

6700.0601 EXAMINATION STANDARDS.

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

A. making any false material statement to the board;

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

Approved by Revisor _____

monitor;

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

D. obstructing a board investigation;

E. without board authorization, possessing a copy of any of the board's examinations;

F. aiding another person to violate items A to E;

G. having been convicted of a felony in any state or federal jurisdiction; or

H. having been convicted of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

Subp. 2. **Disciplinary proceedings.** Disciplinary hearings under this rule shall be conducted pursuant to Minnesota Statutes, section 214.10, subdivisions 2 to 5; parts 1400.5100 to 1400.8400; part 6700.1700; the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69; and the rules of the Office of Administrative Hearings, chapter 1400. The requirement to notify the chief law enforcement officer shall be waived if the person does not currently possess a license.

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6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **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 subpart 2.

A. to G. [Unchanged.]

H. An evaluation, including an oral interview, shall be made by a licensed psychologist to determine that the

Approved
by Revisor _____

applicant is free from any emotional or mental condition which might adversely affect the performance of peace officer duties.

I. and J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1, items A to J. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subparts 1 and 2, or subpart 3. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. and 4. [Unchanged.]

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If any background search required by parts 6700.0100 to 6700.1900 reveals a conviction of a felony, the conviction of a crime listed in Minnesota Statutes, section 214.10, subdivision 2a, or the conviction of a crime which was charged under an ordinance but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.

6700.0901 DEFINITIONS.

For the purpose of this part, the following words and phrases in this part have the meanings given.

Subpart 1. **Accreditation.** "Accreditation" means authority granted by the board to a school, agency, or association of agencies to approve courses for continuing education credit.

Subp. 2. **Continuing education coordinator.** "Continuing education coordinator" means a full-time employee appointed by the continuing education sponsor to manage the day-to-day activities of the accreditation program. The person shall have professionally recognized training and experience in adult education activities.

Subp. 3. **Continuing education sponsor.** "Continuing education sponsor" means a school, agency, or association of agencies which has received accreditation.

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Subp. 4. **Disciplinary action.** "Disciplinary action" means one or more of the following: letter of censure to the course sponsor, probation of the course sponsor, or suspension or revocation of the accreditation.

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Subpart 1. **Application form.** A school, agency, or association of agencies which seeks to become a continuing education sponsor shall submit a completed application on a form provided by the board. The application must include proof that the applicant has:

(1) conducted a formal training needs assessment;

(2) access to the necessary training facilities and equipment to carry out training activities;

(3) a continuing education coordinator with adequate support staff; and

(4) policies for the evaluation of each course conducted.

Subp. 2. **Provisional accreditation.** Upon review of the application, and having determined that the applicant has met the requirements listed in subpart 1, the board shall grant provisional accreditation.

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Subp. 4. **Continuing education coordinator duties.** The continuing education coordinator shall have the following duties:

A. approve in the continuing education sponsor's courses pursuant to part 6700.0900, subpart 3, items E, F, and G;

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C. maintaining lesson plans and instructor

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credentials for each course it sponsors including handout materials, attendance policy, and evaluations.

Subp. 5. **Change of continuing education coordinator.** The continuing education sponsor shall notify the board within ten days after the continuing education coordinator has left the position. If the position is not filled within 30 days of the position being vacated, the course sponsor shall not use the process prescribed by this part until the new continuing education coordinator is hired. If the continuing education sponsor applies for credit for a course when there is no continuing education coordinator, the continuing education sponsor shall submit the course for approval pursuant to part 6700.0900, subpart 3, item G. The continuing education sponsor shall provide the board the name of the new coordinator before the coordinator's first day of employment.

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers or constables who complete each course, each peace officer or constable license number, and the number of continuing education hours which are to be credited to each peace officer or constable. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers or constables who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of

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the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the commencement of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers and constables who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. **Violations.** The board may take disciplinary action against a continuing education sponsor for any violation of this part by the sponsor or the continuing education coordinator. Also, disciplinary action may be taken when the continuing education sponsor, continuing education coordinator, or faculty does not cooperate with the board in the investigation of a violation of this part.

Subp. 11. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69, and the rules of the Office of Administrative Hearings.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of part-time peace officer license.** 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

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shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within ~~one-year~~ three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than ~~one-year~~ three years after the date the individual's license was placed on an inactive status is required to ~~comply with~~ complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the documentation necessary to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1201 CONSTABLES.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a

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constable within ~~one-year~~ three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than ~~one year~~ three years after the date the individual's license was placed on an inactive status is required to ~~comply with~~ complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the necessary documentation to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

Subpart 1. and 2. [Unchanged.]

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

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or

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nonrenewal of license:

A. to D. [Unchanged.]

E. any violation of a board rule set forth in parts 6700.0100 to 6700.1900; ~~or~~

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700; or

G. the conviction of a crime which was charged under an ordinance but which would be a conviction under Minnesota Statutes, section 609.52 if it was charged under state law.

REPEALER. Minnesota Rules, part 6700.0500, subpart 4, is repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensing

AGENCY: Peace Officers Standards and Training Board

MINNESOTA RULES: Chapter 6700

The attached rules are approved for publication
in the State Register

Robert P. Kittel
Assistant Deputy Revisor

Board of Peace Officer Standards and Training

Proposed Rules Governing Licensing

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training (POST) is proposing 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 procedures set forth in Minn. Stat. 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any changes proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the evidence, data or views submitted to the POST Board and the modifications do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the evidence, reasons or data relied upon to support the suggested modifications are requested. Any persons requesting a public hearing should state his or her name and address. In the event a public hearing is required, POST will proceed according to the provisions of Minn. Stat. 14.131 through 14.20.

Persons who wish to submit comments or a written request for a public hearing or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below:

Mark K. Shields
POST Board
333 Sibley Street, Suite 495
ST. Paul, MN 55101

The Board's authority to adopt the proposed rules is contained in Minn. Stat. 214.10, 214.12, 626.843, Subd. 1, and 626.845, Subd. 1(i). 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 upon request.

You are advised, pursuant to Minn. Stat. 14.115, "Small business consideration in rulemaking," that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice of Rulemaking," the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, 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 date of 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 request for the same to the above address.

Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying.

Minn. Stat. 10A.01, Subd. 11, defines a lobbyist as any individual: engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions as to this requirement should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101. Telephone: (612) 296-5615.

A copy of the proposed rules is attached to this notice.

Mark K. Shields

Mark K. Shields, Executive Director
Minnesota Board of Peace Officer
Standards and Training

STATEMENT OF NEED AND REASONABLENESS

REGARDING PROPOSED RULES OF THE

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

6700.0100 Definitions

Subp. 21. Conviction of a felony. It is necessary and reasonable to define this term in order to eliminate any ambiguity. By amending this definition, the Board is also expanding its jurisdiction so that the Board is permitted to take action in cases where the licensee is convicted of a felony but the sentence imposed includes a stay of imposition. The Board believes that it shall have jurisdiction in any case where the licensee is convicted of a felony, regardless of the sentence.

6700.0500 Academic and Skills Licensing Examinations

Subp. 5. Reinstatement of eligibility. It is necessary and reasonable to redefine peace officer licensing examination in this subpart as academic and skills licensing examinations to differentiate these from the reciprocity licensing examination which, for purposes of organization, is now addressed in 6700.0501.

6700.0501 Reciprocity Licensing Examination

It is necessary and reasonable to have a mechanism by which individuals trained in a state other than Minnesota who wish to become employed here as peace officers can become licensed without having to duplicate basic police training unnecessarily. Until now, the board has relied on the standard of "professionally recognized peace officer training...deemed comparable to the [Minnesota] basic course," as set forth in the present rule 6700.0500, subp. 4, to determine whether officers from another state should qualify for a peace officer license. Experience with this rule has disclosed two problems which proposed rule 6700.0501 seeks to address. First, the concept of comparable police education is too vague to ensure uniform application. Second, some highly qualified officers with long experience in other states began careers in states where mandatory basic police training was not required, or was of such short duration that their training alone cannot be considered comparable to Minnesota's basic course. This rule seeks to recognize the value of experience as a peace officer to prevent the exclusion of an individual solely because the individual's basic training course was not as extensive as that now required in Minnesota.

The point system set forth in this rule was formulated by the Board after careful examination of the concept of comparable preemployment education established in 6700.0500, Subp. 4. The point scale was formulated by the board as a necessary means of achieving greater uniformity in applying this rule and to address the problem arising when a shorter than average basic training course might otherwise prevent an individual with substantial police experience from obtaining employment in Minnesota. In order to evaluate as objectively as possible whether applicants for reciprocity meet the criteria the Board has established for eligibility, the Board has assigned points to these criteria. Points are given for length of basic training (course hours) and years of experience. An additional point is given for possession of a post-secondary degree because post-secondary education is a vital component of Minnesota's licensing system, but is not required by other states. The point scale is reasonable because it allows for a degree of flexibility and fairness in determining eligibility for individuals with widely varying experience and training in law enforcement.

Other features of this rule are discussed under the corresponding subpart heading.

Subp. 1. Scope. It is reasonable and necessary to clearly define terms in this rule which may have different or ambiguous meanings for individuals trained in another state.

Subp. 2. Basic Police Education. It is necessary and reasonable to limit consideration of an applicant's training in another state to that which leads to peace officer certification in that state because the concept of reciprocity depends on an applicant's having been officially licensed or certified in another jurisdiction. Federal law enforcement agents constitute a separate category because they function within an entirely different kind of criminal justice system from those of each of the 50 states. The federal training listed includes the most common types with which the Board has had experience. Other forms of federal law enforcement training may be considered only if the training leads to a position classified as law enforcement by the United States Office of Personnel Management.

Subp. 3. Law Enforcement Officer. It is necessary to carefully define the term "law enforcement officer" to exclude any experience which does not meet the twin criteria of the officer's having had powers of arrest and having had authority to carry a firearm. These criteria define the difference between peace officers, part-time peace officers, and constables and all other kinds of quasi-law enforcement positions, including security guards and reserve officers.

The United States Office of Personnel Management classifies federal law enforcement positions as a special category of federal employee which is consistent with our own narrow definition of peace officer. We have relied upon that classification in the past to differentiate federal law enforcement officers from other kinds of federal agents.

Subp. 4. Comparable pre-employment education. As explained earlier, this point system was carefully designed to weigh the training and experience of applicants seeking a Minnesota peace officer license through reciprocity. The basic norm of this scale is eight to ten weeks of basic training plus a minimum of one year of experience. Additional weight is given to eligibility if the applicant possesses a college degree because this is a feature of Minnesota's present pre-service training system but not of that of other states. The points are scaled so that a greater amount of basic training may compensate for a lesser amount of experience and vice versa. It is necessary and reasonable for the Board to have a system that will ensure consistency and flexibility in determining eligibility for applicants with widely differing backgrounds.

Subp. 5. Post-secondary Degree. Additional weight for flexibility is given in determining elibility to applicants who possess a formal post-secondary degree. Possession of a post-secondary degree is now necessary to obtain a peace officer license in Minnesota through our academic and skills system.

A two year or four year degree is not necessary for certification in other states. However, credit is given in this rating system in such a way so as to enhance any slight deficit in either training or experience.

Subp. 6. Years of experience. It is reasonable and necessary to count experience only from the point when law enforcement training has been completed because many states allow individuals to work in a peace officer or quasi-peace officer capacity prior to being trained. We have no reliable way to evaluate experience prior to training. Because reciprocity extends only to individuals who have met training and certification standards of a state, it is reasonable to exclude experience gained before licensing or certification.

Subp. 7. Qualifications. There are five conditions the Board wishes to impose upon applicants seeking reciprocity. Two of these conditions have to do with time restrictions. It is a common practice in most states to set a time limit on the duration of an applicant's absence from any formal law enforcement position. It is reasonable and necessary to set such a time limit because successful performance of law enforcement duties is dependent on an officer's receiving up-to-date training and on contin-

uously exercising the skills required for such work. The Board chose a six year limit because the Board has concluded, based on its own research and experience, that six years is the maximum period of time that an individual who has left the law enforcement field can maintain the knowledge and skills necessary to function in a law enforcement capacity. The constant evolution of criminal and civil law, and innovations in technology and police procedures make such a time limit reasonable and necessary.

The requirement of a minimum of one year's experience will ensure that applicants from other states have met probationary requirements, have achieved certification status and have a significant degree of practical law enforcement experience. By this requirement, the Board seeks to prevent Minnesota residents from obtaining training in other states for the sole purpose of applying for reciprocity in Minnesota. Such a practice is contrary to the purpose of the reciprocity system and undercuts the strength of our training system.

Because the concept of reciprocity is to accommodate experienced and qualified peace officers who wish to relocate in Minnesota, a one year's minimum experience is reasonable and necessary.

The last area addressed in this subpart, prior suspension or revocation, is necessary to prevent unqualified individuals from entering Minnesota law enforcement through the reciprocity process. The Board wishes to grant licenses to experienced and qualified individuals from other states as eligible for reciprocity. It is reasonable to eliminate from consideration for eligibility an individual who does not presently qualify under his or her state's certification or licensing standards for a peace officer position in that state.

Subp. 8. Eligibility. Because eligibility for reciprocity is dependent on an applicant's having functioned in an official peace officer capacity during the previous six years, it is reasonable and necessary to set a time limit on an applicant's eligibility to take the examinaton. One year is more than ample time to prepare for, schedule and take the reciprocity examination. It is the Board's experience that most applicants have taken the examination within three months of submitting an application.

Subp. 9. License eligibility. Once a person has qualified for reciprocity and has passed the reciprocity examination, it is necessary to set a time limit for becoming licensed similar to that set for skills reinstatement in 6700.0500, Subp. 5. This is reasonable and necessary to ensure that the applicant has a working knowledge of recent changes in the criminal and traffic codes and any other developments in Minnesota state statutes or administrative rules required by the Board.

Subp. 10. Applicability. It is necessary and reasonable to clarify the Board's desire that a peace officer whose license has lapsed or has been suspended or revoked in Minnesota not have available to him or her the reciprocity process to bypass the terms of the revocation or suspension.

6700.0601 Examination Standards.

Subp. 1. Grounds for denial. It is necessary and reasonable to establish a procedure for denying the issuance of a license to anyone who has passed or assisted another in passing any of the Board's examinations dishonestly. Similarly, the board should have the authority to deny a license to anyone who has been convicted of a felony, here or elsewhere. Without this rule, the Board's only recourse in dealing with individuals in either of these groups is to issue a license and then revoke it using the procedure outlined in 6700.1700 - an unnecessarily cumbersome process for dealing with such individuals.

Subp. 2. Disciplinary proceedings. This subpart mirrors the Board's existing complaint procedures and applies those procedures to violations of subp. 1. It is reasonable and necessary to have an established formal process for cases when the Board denies an applicant a license upon grounds established in Subp. 1 in order to ensure due process to that applicant.

Subp. 3. Suspension or revocation of a license. It is necessary to establish a mechanism for dealing with those who have violated the provisions of Subp. 1 but whose violations are not disclosed to the Board until after a license has been issued to the violator. These violations are not covered in 6700.1600.

6700.0700 Minimum Selection Standards.

Subp. 1 H. Selection standards. It is necessary to add the words <u>oral interview</u> to the requirement for applicants to undergo a psychological evaluation in order to distinguish the kind of psychological evaluation the Board considered in formulating 6700.0700, Subp. 1 H, from the primarily psychological screening that is commonly used by the skills programs written evaluation. It is the opinion of most, if not all, psychologists with whom the Board has consulted, that an adequate psychological evaluation cannot be done without an oral interview.

Subp. 2. Documentation. It has become common practice for law enforcement agencies to consider successful completion of the skills school to meet the requirement for a test of physical strength and agility as set forth in 6700.0700, Subp. 1 I. Completion of the Skills course is widely accepted as the best indication of an individual's level of physical strength and agility. This rule allows hiring agencies to consider the

requirement for physical strength and agility to have been met without having to obtain documentation to that effect. The fact that an individual has obtained eligibility for a a license by completing such a course is suffient evidence. This rule does not limit the local agency's ability to set its own standards of physical strength and agility or to request documentation of completion from the skills schools.

6700.0701 Notification of conviction. It is necessary and reasonable to require agencies to report to the Board information learned during a background investigation when that information would prevent the individual from obtaining or maintaining a peace officer license. Presently there is no requirement for agencies to report such disclosures and the Board must rely primarily on newspaper accounts or citizen complaints to learn of violations of 6700.1600.

6700.0901 Definitions

The terms accreditation, continuing education coordinator, and continuing education sponsor are defined in relation to their use in the POST Board rules. These definitions are reasonable and necessary in order to establish common usage and understanding among the continuing education sponsors and members of the POST Board and POST Board staff.

6700.0902 Accreditation of Continuing Education Sponsors

Subp. 1. Application form. This section outlines the minimum requirements necessary for an applicant to become an accredited course sponsor. These minimum requirements are reasonable and necessary in order to ensure that the same quality of continuing education courses are maintained at the sponsor location as at the POST Board Continuing Education Unit.

Subp. 2. Provisional certification. The section providing for <u>provisional accreditation</u> will provide the Board with time to review each program's facilities and coordinator for a sufficient period to insure the new program is working correctly. It is reasonable and necessary because without such time for review, the Board could not adequately assess whether all requirements for accreditation are being met.

Subp. 3. Accreditation. It is necessary that the applicant and the Board have a specified time limit to either approve or deny the application.

Subp. 4. Continuing education coordinator duties. In order to insure the quality of the continuing education courses it is reasonable and necessary to specify the duties of the program coordinators. This will ensure that the Board's rules outlining the criteria for continuing education will be followed.

A. It is reasonable and necessary for the continuing education coordinator to have the authority to determine whether instructor qualifications and course subject matter meet the criteria given in 6700.0900, Subp. 3, items e, f, and g., because the coordinator is in the best position to make this determination.

B. This refers to rule 6700.0900 (H) which states that a credit hour must have a minimum of 50 minutes of class time. It is reasonable and necessary to establish such a minimum number of class minutes to ensure that all credit hours represent a similar measurement of classroom experiences.

C. It is reasonable and necessary to require the continuing education coordinator to retain lesson plans, instructor credentials and other course-related materials because the coordinator is in the best position to collect such documentation. (See 6700.0902, Subp. 8.)

Subp. 5. Change of continuing education coordinator. Because the coordinator's position is vital to the functioning of the program, it is necessary that the Board be aware of any changes in that position that occur. The coordinator must meet all of the requirements of the Board as well as demonstrate the ability to perform the functions related to the course approval process. It is reasonable to require the sponsor to notify the Board because the sponsor is in the best position to know of a change.

Subp. 6. Rosters. It is necessary for the Board to collect course rosters so that officers who have successfully completed any given course can be credited with partial fulfillment of the requirements of 6700.1000, Subp. 3. This is identical to the record keeping procedures used to collect information on non-accredited courses, as provided in 6700.0900, Subp. 8. It is reasonable for the sponsor to be required to supply the list to the Board because the sponsor is in the best position to gather the information required.

Subp. 7. Course notices. It is necessary and reasonable to establish a uniform means of informing each prospective student of the number of Board approved credit hours that can be earned through successful completion of the course to enable the student to evaluate his or her own training needs.

Subp. 8. Documentation. It is necessary and reasonable to establish a uniform policy for the maintenance and disposition of documents relating to course approval and that this information be available to the POST Board upon request. The five-year limit is in accordance with the Record's Retention Schedule worked out with the Department of Administration. Because the sponsor collects the information it is reasonable to require it to maintain the records.

Subp. 9. Course statements. It is reasonable and necessary to establish a uniform procedure for course instructors to inform their students how course results will be transmitted to the Board to avoid confusion among students about course results.

Subp. 10. Violations. It is both reasonable and necessary to insure that the accredited course sponsors comply with all of the Board's requirements. In order to assure that the program is successful, a disciplinary procedure is necessary. Should an accredited course sponsor fail to follow the established rules or fail to cooperate with the Board, there must be a procedure to address the problem. It is necessary to have sanctions in order to enforce compliance with the program. These sanctions are intended to assist in correcting potential problems and only in severe cases would the Board anticipate the initiation of these sanctions.

Subp. 11. Disciplinary proceedings. The purpose of this requirement is to assure that due process requirements are met if a hearing is required under Subp. 10.

6700.1101 Part-time Peace Officers

Subp. 7. Inactive status of part-time peace officer license. It is necessary and reasonable to set the same requirements for inactive part-time peace officer licensees as those for peace officer licensees set forth in 6700.1400, Subp. 3.

6700.1201 Constables

Subp. 7. Inactive status of constable license. It is necessary and reasonable to set the same requirements for inactive constable licensees as those for peace officer and part-time peace officer licensees set forth in 6700.1101 and 6700.1400, Subp. 3.

6700.1400 Inactive Status of Peace Officer Licenses

Subp. 3. Selection standards. The Board's experience with this rule has demonstrated that there is a problem with inactive licensees appointed to law enforcement positions after being out of law enforcement for one year or more being required to meet the selection standards again. In the majority of cases, the new hiring agency simply adopts previously completed standards; consequently the Board's selection standards have little actual effect. The majority of those who move from one law enforcement position to another do so within the period of a year, during which time there is little likelihood that any significant change in an individual's ability to meet the selection standards has occurred. It is reasonable and necessary: (1) to allow agencies more flexibility in hiring inactive licensed officers by extending the one year requirement for meeting selection standards to three; and (2) to require officers who have been on inactive status for more than three years to meet all selection standards (6700.0700) at the time of hire and to disallow the adoption of previously completed standards. The intent of this rule is to raise entrance requirements for individuals who have been out of law enforcement for a significant period. This rule does not limit an agency's ability to impose more rigorous standards of its own.

6700.1600 Violations of Standards of Conduct

Subp. G. The Board's experience with the standards of conduct established by this rule and Minn. Stat. 214.10, Subd. 2a, has uncovered the following problem. Peace officers charged with a violation of a statute, which is also a violation of local ordinance, may, at the discretion of the local court system, be convicted under the ordinance. Such cases will result in placing the violator outside of the Board's authority to enforce its own standards. For example, a peace officer convicted of theft under a city ordinance, rather than under Minn. Stat. 609.52, (for example, shoplifting), would result in no Board action without this proposed amendment. It is reasonable and necessary to provide this necessary correlation between the state statutes and local ordinance to allow the Board to enforce its own standards of conduct.

AFFIDAVIT OF MAILING

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

Nancy J. West, being first duly sworn, deposes and says:

That on the 20th day of February, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, she 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 in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage pre-paid, on all persons and associations who have requested that their names be placed on file with the Board of Peace Officer Standars and Training for the purpose of receiving notice of the proposed adoption of rules by this Board.

Nancy J. West

Nancy J. West

Subscribed and sworn to before me
this 20 day of February, 1987.

William R. Carter, III

WILLIAM R. CARTER, III
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Oct. 7, 1989

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STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



Monday 23 February 1987

VOLUME 11, NUMBER 34

Pages 1485-1524

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
34	Monday 9 February	Monday 16 February	Monday 23 February
35	Monday 16 February	Monday 23 February	Monday 2 March
36	Monday 23 February	Monday 2 March	Monday 9 March
37	Monday 2 March	Monday 9 March	Monday 16 March

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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Governor: Rudy Perpich

Commissioner, Department of Administration: Sandra J. Hale

Director, Minnesota Documents Division: Stephen A. Ordahl

Editor: Robin PanLener

Editorial Staff: Paul Hoffman

Circulation Manager: Debbie Kobold

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

5. Medical surveillance at least annually and at the end of employment of all employees exposed to any particular hazardous substance at or above established exposure levels and/or those who wear approved respirators for 30 days or more on site. Such surveillance also will be conducted if a worker is exposed by unexpected or emergency releases.

6. Engineering controls, work practices, and personal protective equipment, or a combination of these methods, must be implemented to reduce worker exposure below established exposure levels for the hazardous substances involved.

7. Air monitoring to identify and quantify levels of hazardous substances with periodic monitoring to assure the proper protective equipment is being used.

8. An informational program (safety and health plan for the site) which includes the names of key personnel responsible for site safety and health, risk analyses, employee training assignments, lists of needed personal protective equipment, plus the remaining requirements outlined in § 1910.120(i).

9. Implementation of a decontamination procedure before any employee or equipment may leave an area of potential hazardous exposure; operating procedures to minimize exposure through contact with exposed equipment, other employees, or used clothing; and showers and change rooms where needed.

10. An emergency response plan to handle possible on-site emergencies prior to beginning hazardous waste operations. Such plans must address personnel roles, lines of authority, training and communications, emergency recognition and prevention, safe places of refuge, site security, evacuation routes and procedures, emergency medical treatment, and emergency alerting.

11. An off-site emergency response plan to better coordinate emergency action by the various local services and to implement appropriate control action.

By this notice, Minnesota OSHA proposes to adopt the interim final rule, § 1910.120 (including the startup dates noted in the rule), as published in the *Federal Register* on December 19, 1986.

Peace Officers Standards and Training Board

Proposed Rules Relating to Licensing

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training (POST) is proposing 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 procedures set forth in Minn. Stat. 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any changes proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the evidence, data or views submitted to the POST Board and the modifications do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the evidence, reasons or data relied upon to support the suggested modifications are requested. Any persons requesting a public hearing should state his or her name and address. In the event a public hearing is required, POST will proceed according to the provisions of Minn. Stat. 14.131 through 14.20.

Persons who wish to submit comments or a written request for a public hearing or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below:

Mark K. Shields
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

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.

The Board's authority to adopt the proposed rules is contained in Minn. Stat. 214.10, 214.12, 626.843, Subd 1, and 626.845, Subd. 1(i). 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 upon request.

You are advised, pursuant to Minn. Stat. 14.115, "Small business consideration in rulemaking," that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice of Rulemaking," the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, 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 date of 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 request for the same to the above address.

Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying.

Minn. Stat. 10A.01, Subd. 11, defines a lobbyist as any individual: engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions as to this requirement should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101. Telephone: (612) 296-5615.

A copy of the proposed rules is attached to this notice.

Mark K. Shields, Executive Director
Minnesota Board of Peace Officer
Standards and Training

Rules as Proposed

6700.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. **Conviction of a felony.** "Conviction of a felony" means that a person has been charged with a crime punishable by more than one year and that the person was convicted of that crime regardless of a stay of imposition or stay of execution.

6700.0500 ~~PEACE OFFICER PREEMPLOYMENT EDUCATION~~ ACADEMIC AND SKILLS LICENSING EXAMINATIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. **~~Peace officer licensing examination~~ Reinstatement of eligibility.** Upon successful completion of the required ~~peace officer licensing examination~~ academic and skills licensing examinations, 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 based on the substantive changes in law and police practices.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. **Scope.** For the purposes of this part, the terms defined have the meanings given to them.

Subp. 2. **Basic police education.** "Basic police education" means:

A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or

B. a basic course sponsored by the federal government for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Center's uniformed patrol course or basic investigators course.

Subp. 3. **Law enforcement officer.** "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Subp. 4. **Comparable preemployment education.** "Comparable preemployment education" means a total of ten points or more.

A. Years of experience:

(1) one to five years, five points;

(2) five years and one day to ten years, six points;

(3) ten years and one day to 15 years, seven points;

(4) 15 years and one day to 20 years, eight points;

(5) 20 years and one day or more, nine points.

B. Basic police education:

(1) 350 or more hours, five points;

(2) 280 to 349 hours, four points;

(3) 210 to 279 hours, three points;

(4) 140 to 209 hours, two points;

(5) 100 to 139 hours, one point;

(6) less than 99 hours, zero points.

C. Postsecondary degree, one point.

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of the Council on Postsecondary Accreditation and authorized to award such titles including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, Bachelor of Science (B.S.) degrees.

Subp. 6. **Years of experience.** "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course.

Subd. 7. **Qualifications.** A person who has comparable preemployment education, who has had one continuous year of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination.

Subp. 8. **Eligibility.** The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600.

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice.

Subp. 10. **Applicability.** This part shall not apply to a person who holds a lapsed, revoked, or suspended peace officer license.

6700.0601 EXAMINATION STANDARDS.

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

A. making any false material statement to the board;

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

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

D. obstructing a board investigation;

E. without board authorization, possessing a copy of any of the board's examinations;

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F. aiding another person to violate items A to E;

G. having been convicted of a felony in any state or federal jurisdiction; or

H. having been convicted of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

Subp. 2. **Disciplinary proceedings.** Disciplinary hearings under this rule shall be conducted pursuant to Minnesota Statutes, section 214.10, subdivisions 2 to 5; parts 1400.5100 to 1400.8400; part 6700.1700; the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69; and the rules of the Office of Administrative Hearings, chapter 1400. The requirement to notify the chief law enforcement officer shall be waived if the person does not currently possess a license.

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

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **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 subpart 2.

A. to G. [Unchanged.]

H. An evaluation, including an oral interview, 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.

I. and J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1, items A to J. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subparts 1 and 2, or subpart 3. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. and 4. [Unchanged.]

6700.0701 NOTIFICATION OF CONVICTION.

If any background search required by parts 6700.0100 to 6700.1900 reveals a conviction of a felony, the conviction of a crime listed in Minnesota Statutes, section 214.10, subdivision 2a, or the conviction of a crime which was charged under an ordinance but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.

6700.0901 DEFINITIONS.

For the purpose of this part, the following words and phrases in this part have the meanings given.

Subpart 1. **Accreditation.** "Accreditation" means authority granted by the board to a school, agency, or association of agencies to approve courses for continuing education credit.

Subp. 2. **Continuing education coordinator.** "Continuing education coordinator" means a full-time employee appointed by the continuing education sponsor to manage the day-to-day activities of the accreditation program. The person shall have professionally recognized training and experience in adult education activities.

Subp. 3. **Continuing education sponsor.** "Continuing education sponsor" means a school, agency, or association of agencies which has received accreditation.

Subp. 4. **Disciplinary action.** "Disciplinary action" means one or more of the following: letter of censure to the course sponsor, probation of the course sponsor, or suspension or revocation of the accreditation.

6700.0902 ACCREDITATION.

Subpart 1. **Application form.** A school, agency, or association of agencies which seeks to become a continuing education sponsor shall submit a completed application on a form provided by the board. The application must include proof that the applicant has:

(1) conducted a formal training needs assessment;

(2) access to the necessary training facilities and equipment to carry out training activities;

(3) a continuing education coordinator with adequate support staff; and

(4) policies for the evaluation of each course conducted.

Subp. 2. **Provisional accreditation.** Upon review of the application, and having determined that the applicant has met the requirements listed in subpart 1, the board shall grant provisional accreditation.

Subp. 3. **Accreditation.** After the continuing education sponsor has completed a workshop on accreditation procedures and the board has completed an on-site evaluation of the continuing education sponsor, the board shall grant or deny accreditation. Final accreditation must be granted or denied within one year of the date on which provisional accreditation was granted.

Subp. 4. **Continuing education coordinator duties.** The continuing education coordinator shall have the following duties:

A. approve in the continuing education sponsor's courses pursuant to part 6700.0900, subpart 3, items E, F, and G;

B. calculating the number of continuing education hours for each course the continuing education sponsor approves pursuant to part 6700.0900, subpart 3, item H; and

C. maintaining lesson plans and instructor credentials for each course it sponsors including handout materials, attendance policy, and evaluations.

Subp. 5. **Change of continuing education coordinator.** The continuing education sponsor shall notify the board within ten days after the continuing education coordinator has left the position. If the position is not filled within 30 days of the position being vacated, the course sponsor shall not use the process prescribed by this part until the new continuing education coordinator is hired. If the continuing education sponsor applies for credit for a course when there is no continuing education coordinator, the continuing education sponsor shall submit the course for approval pursuant to part 6700.0900, subpart 3, item G. The continuing education sponsor shall provide the board the name of the new coordinator before the coordinator's first day of employment.

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers or constables who complete each course, each peace officer or constable license number, and the number of continuing education hours which are to be credited to each peace officer or constable. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers or constables who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the commencement of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers and constables who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. **Violations.** The board may take disciplinary action against a continuing education sponsor for any violation of this part by the sponsor or the continuing education coordinator. Also, disciplinary action may be taken when the continuing education sponsor, continuing education coordinator, or faculty does not cooperate with the board in the investigation of a violation of this part.

Subp. 11. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69, and the rules of the Office of Administrative Hearings.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. to 6. [Unchanged.]

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Subp. 7. **Inactive status of part-time peace officer license.** 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 the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within ~~one year~~ three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than ~~one year~~ three years after the date the individual's license was placed on an inactive status is required to ~~comply with~~ complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the documentation necessary to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1201 CONSTABLES.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within ~~one year~~ three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than ~~one year~~ three years after the date the individual's license was placed on an inactive status is required to ~~comply with~~ complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the necessary documentation to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

Subpart 1. and 2. [Unchanged.]

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

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

A. to D. [Unchanged.]

E. any violation of a board rule set forth in parts 6700.0100 to 6700.1900; ~~or~~

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700; or

G. the conviction of a crime which was charged under an ordinance but which would be a conviction under Minnesota Statutes, section 609.52 if it was charged under state law.

REPEALER. Minnesota Rules, part 6700.0500, subpart 4, is repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Insurance Verification

The rules proposed and published at *State Register*, Volume 11, Number 17, pages 737-739, October 27, 1986 (11 S.R. 737) are adopted with the following modifications:

Rules as Adopted

5222.2001 CONTENTS OF NOTICE.

Subpart 1. **Form.** Notices relating to policy coverage shall be filed on forms prescribed by the commissioner or as provided in subpart 2. All ~~documents~~ notices submitted must be typewritten ~~or~~, machine printed, on computer magnetic tape in an approved format, or via telecommunications using an approved format and protocol.

Subp. 2. **Use of declaration sheets.** An insurer's policy declaration sheet or insurance binder may be used in place of forms prescribed by the commissioner if the declaration contains at least the following information:

5222.2003 TIME FOR FILING NOTICE.

Subpart 1. **Policy issuance.** Notice of coverage must be filed by the insurer within ten days of issuance (effective date) of a policy or 20 days of issuance (effective date) of a binder or acceptance of an employer's application for insurance, whichever is earlier.

Subp. 4. **Failure to timely file.** ~~Where~~ If an insurer fails to file ~~a~~ timely notice ~~as required by this part, in five or more instances, the commissioner shall issue a warning letter advising it of its responsibilities under the law, and the effect of future noncompliance. If during the 30 days from the date of the warning letter any filing is not timely, the commissioner will~~, other than a notice of cancellation, termination, or expiration provided for in subpart 2, as required by parts 5222.2000 to 5222.2006 on five percent of all policies for which such notices are due in any calendar month, if greater than five notices, it shall be subject to the sanctions described below. If the commissioner determines that an insurer has exceeded this percentage on more than one occasion in any 12-month period, the commissioner shall issue a warning letter advising the insurer of its responsibilities under the law, and the effect of future noncompliance.

If the commissioner determines that an insurer has exceeded this percentage on more than two occasions in any 12-month period, the commissioner may require the insurer to provide to the commissioner a written description of the steps the insurer will take to implement changes in the insurer's notice filing procedures to prevent future untimely delays and periodic written reports as to the progress and success of the implementation of such procedures.

If the commissioner determines that an insurer has exceeded this percentage on more than four occasions in any 12-month period, the commissioner may in addition to the other actions identified in this subpart notify the Department of Commerce and request a review of the insurer's authority to write workers' compensation insurance in Minnesota. This ~~provision~~ subpart does not affect the insurer's continued liability on the policy, as determined by law, for failure to timely file.

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ANNOUNCEMENTS

ADMINISTRATION DEPARTMENT: DOCUMENTS DIVISION State hiway maps from 1986 are being offered at more than a 60% reduction in price to make room for the 1987 state hiway map. Case lots are available only, with a minimum order of one case (200 maps) for $39.95 plus tax and $1.50 per order for shipping and handling. The map is folded 4½" × 7½" and opens to 38" × 26". Phone orders are accepted only with MasterCard/VISA. Great for conventions, workshops, sales force meetings, and program folder stuffers. Call (612) 297-3000 for more information.

CAPITOL AREA LIBRARY ASSOCIATION (CALCO) Celebration of the bicentennial of the U.S. Constitution will be observed at the State Capitol in St. Paul with a major exhibition, speakers and colorful opening ceremonies on Monday, March 30. The exhibit, including prints, broadsides, cartoons and maps, will be on display in the North Corridor of the Capitol from March 27-April 11. Two noontime lectures will also be presented free. On March 27 Frank Sorauf, professor of political science at the University of Minnesota, will speak on "The Miracle of Philadelphia," in Room 112 of the Capitol. On April 7, Paul Murphy, professor of history at the University of Minnesota, will speak on "The Living Constitution," also in room 112.

NATURAL RESOURCES DEPARTMENT (DNR) Now available is *The Minnesota State Parks Gift Catalog.* Issued by the state park system, it lists items needed at various parks and where the park is located. The catalog asks individuals or groups to pay for items by sending a check in the proper amount and saying what the money is for and the purchase is made in the name of the donor. For more information call 296-8396.

OFFICIAL NOTICES

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

State Board of Investment
Investment Advisory Council

Scheduled Meetings of the Board and Council

The State Board of Investment will meet on Wednesday, March 4, 1987 at 8:30 A.M. in Room 118, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, March 3, 1987 at 2:00 P.M. in Conference Room "A", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

Department of Labor and Industry

Notice of Certified Prevailing Wage Rates

On February 1, 1987, the commissioner certified prevailing wage rates for commercial and highway/heavy construction projects in the following Minnesota counties: Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Red Lake, Roseau, St. Louis, Wadena, and Wilkin.

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are 50¢ for the first county and 30¢ for any subsequent copies of the same or other counties. For all 87 counties the charge is $25.00. A sales tax of 6% must be added to all orders.

A check or money order payable to State of Minnesota must accompany each request.

Ray Bohn, Commissioner
Department of Labor and Industry

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Thomas G. Brownell, do hereby certify that I am a member and the Vice Chair 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, duty and properly called and held on the 23rd day of April 1987, 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 Licensing and they are hereby approved and adopted, pursuant to Minn. Stat. 214.10, 214.12, 626.843, Subd. 1, and 626.845, Subd. 1(i), 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 23rd day of April, 1987.

Thomas G. Brownell, Vice Chair
Minnesota Board of Peace
Officer Standards and Training

Attest by one other Board member

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed Adoption
of Rules Governing Licensing 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 February 23, 1987, and was sent by the State of Minnesota's Central Mail System for first class mailing to all persons on the list maintained by the agency, pursuant to Minnesota Statutes sections 14.21 - 14.28 on February 20, 1987. 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 licensing are adopted this 23rd day of April, 1987, pursuant to authority vested in the Board by Minn. Stat. 214.10, 214.12, 626.843, Subd. 1, and 626.845, Subd. 1(i).

STATE OF MINNESOTA

Mark K. Shields

Mark K. Shields
Executive Director

STATE OF MINNESOTA
BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the
Proposed Adoption of the
Rules Governing Licensing

FINDINGS OF FACT, CONCLUSIONS,
AND ORDER ADOPTING RULES
WITHOUT PUBLIC HEARING

Notice of the Board's Intent to Adopt the above-entitled rule was published in the State Register on February 23, 1987 and was sent by United States Mail to all persons on the list maintained by the board pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22 on February 20, 1987. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a Rule Without a Public Hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking was given. The board received zero requests for a public hearing. Therefore, the board did not receive request for a public hearing from 25 or more persons.

No submissions or comments on the rule were received by the board and no requests for notice of submission to the attorney general were received.

Based on the comments and evidence in the record before the board, I find the following:

1. The rules, as proposed; a copy of which is attached hereto as Exhibit A.
2. The rules, as adopted; a copy of which is attached hereto as Exhibit B.
3. The Statement of Need and Reasonableness; a copy of which is attached hereto as Exhibit C.
4. The rules as set forth in Exhibit B does not constitute a change of form or substance, and therefore are not controversial and are adopted without additional public hearings or comments.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as licensing is adopted this 23rd day of April, 1987, pursuant to authority vested in the Board by Minnesota Statutes, section 214.10, 214.12, 626.843, Subd. 1, and 626.845, Subd. 1(i).

Mark K. Shields

Mark K. Shields, Executive Director
Board of Peace Officer Standards & Training

In the Matter of the Adoption
of the Rule of the Board of
Peace Officer Standards and
Training Governing Licensing

DECLARATION
OF COUNSEL

I, Elizabeth Cutter, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0141.

Elizabeth Cutter, Special
Assistant Attorney General

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 Governing
Licensing

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 14.14, Subd. 1, that their names be placed on file with and for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 11:00 AM this 20th day of February, 1987.

William R. Carter, III

Marie Ohman, Exec. Secretary
Private Det. & Prot. Agent Bd.
1246 University Avenue
St. Paul, MN 55104

Galen Wills, Chief
Arlington Police Department
322 West Main Street
Arlington, MN 55307

Robert Heid, Chief
Browerville Police Department
City Hall, Main Street
Browerville, MN 56438

Dale Peterson, City Admin.
City of Littlefork
Littlefork, MN 56653

Kathleen Burek, Exec. Director
Leg. Comm. to Review Adm. Rules
510 State Office Building
St. Paul, MN 55155

Craig Kinney, Chief
South St. Paul Police Departmen
125 Third Avenue North
South St. Paul, MN 55075

Don Woodward
Route 3
Kenyon, MN 55946

Director
Office of Emergency Preparedness
1380 Frost Avenue
Maplewood, MN 55109

Raymond Hager
Brown County Sheriff's Office
New Ulm, MN 56073

Ken Nissen, Chief
Owatonna Police Department
135 West Main Street
Owatonna, MN 55060

Keith Dickinson, Chief
Avon Police Department
Box 195
Avon, MN 56310

Hennepin Co. Sheriff's Office
Training Division
Room 6, Courthouse
Minneapolis, MN 55415

John Scherer, Chief
Winona Police Department
Law Enforcement Center
Winona, MN 55987

Mr. Doug Trouton
The Staples World
224 North 4th Street
Staples, MN 56479

Deputy Chief Fred Sowl
Duluth Police Department
Room 104, City Hall
Duluth, MN 55802

Mr. H.E. Maitland
MN Railroads Association
203 Hanover Bldg
St. Paul, MN 55101

Stan Peskar
League of MN Cities
183 University Avenue East
St. Paul, MN 55101

Scott Neft, Attorney
Box 1086
Virginia, MN 55792

Steven Neet, Chief
Long Prairie Police Department
239 Central Avenue
Long Prairie, MN 56347

Senator Howard Knutson
1907 Woods Lane
Burnsville, MN 55337

Sam Ruhle
Office of Administrative Hear.
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, MN 55415

Gregory Schol, Chief
Chaska Police Department
205 East 4th Street
Chaska, MN 55318

Representative Steve Wenzel
333 State Office Building
St. Paul, MN 55155

Don Adams
City of Dalton
Dalton, MN 56324

Edward Williams, Sheriff
Grant County Sheriff's Office
Courthouse
Elbow Lake, MN 56531

Senator Don Moe
323 State Office Building
St. Paul, MN 55155

Stan Clark, Mayor
City of Remer
Box 202
Remer, MN 56672

Henry Malzahn
Osseo Police Department
Box 330
Osseo, MN 55369

Richard Ellison
E Star Route 1
Northome, MN 56661

ATOM
Box 27282
Minneapolis, MN 55427

Criminal Justice Educator's Assn.
c/o Stephen Enockson
Willmar Community College
Willmar, MN 56201

MN State Sheriffs Assn.
P.O. Box 623
South St. Paul, MN 55075

Dannie Solie, Chief
Warroad Police Department
City Hall
Warroad, MN 56763

MN Chiefs of Police Assn.
Daryl Plath, Secretary
107 West 5th Street
Hastings, MN 55033

Mr. Herb Anderson
St. Louis County Courthouse
Virginia, MN 55792

Phillip L. Davis, Director
Law Enforcement Training Center
8900 Portland Avenue South
Bloomington, MN 55420

Jean Dawson, Editor
The MN Government Report
B-12 Press Room, State Capitol
St. Paul, MN 55155

M.P.P.O.A.
200 South Robert, Suite 200
St. Paul, MN 55107

Peter Donohue, Attorney
916 St. Germain St., Box 971
St. Cloud, MN 56301

Lt. Porth
Bloomington Police Department
2215 West Old Shakopee Road
Bloomington, MN 55431

Tom Brownell, President
MN Chiefs of Police Association
c/o Shakopee Police Department
476 Gorman Street
Shakopee, MN 56379

Phillips Legislative Svc., Inc.
459 Rice Street
St. Paul, MN 55103

Duane Bahn, Chief
Osakis Police Department
P.O. Box 84
Osakis, MN 56360

MN Board of Nursing
717 Delaware Street N.E.
Minneapolis, MN 55414

Dennis Brekke, Sheriff
Marshall County Sheriff's Off.
Law Enforcement Center
Warren, MN 56762

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Avenue
Minneapolis, MN 55488

Ivan Fossen, Chief
Glenwood Police Department
137 East Minnesota Avenue
Glenwood, MN 56334

Barry Schrieber
St. Cloud State University
Criminal Justice Studies
St. Cloud, MN 56301

Mel Kilbo, Chief
Orono Police Department
P.O. Box 86
Crystal Bay, MN 55323

Lyle Goeddertz, Chief
Willmar Police Department
415 West Sixth Street
Willmar, MN 56201

Phillip Finkelstein
Law Enforcement Labor Services
10800 Lyndale Avenue South
Bloomington, MN 55431

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

May 13, 1987

Rita Desmond, Legal Assistant
Office of the Attorney General
Administration Division
204 Administration Bldg.
50 Sherburne Avenue
St. Paul, MN 55155

Dear Ms. Desmond:

On April 23, 1987, the POST Board adopted the rules governing peace officer licensing. These rules and all of the required documents are being submitted to the Office of the Attorney General for approval as to legality.

If you have any questions, please contact me.

Sincerely,

Mark K. Shields
Executive Director

By: William R. Carter, III
Standards Coordinator

WRC:mb

Enclosures

RECEIVED
ATTORNEY GENERAL'S OFFICE

MAY 18 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

214.10 subd 2-5 ✓

1400.5100 - .8400 ✓

6700.1700 ✓

6700.0100 - .1900 ✓

MS 214.10 subd 2a ✓

MS 609.52 ✓

6700.0900 - p6 Line 32
p7 Line 11

In rule, not mentioned as "unchanged"
Does not appear in Mn Rules (as amend 1986)
last Rule adopted by our office in 1985 - OK

went thru Rules/Hearing presentation discussion

Proposed Rule

p8 Line 19-25

"may take disciplinary action" → "disciplinary action may be taken."

(adopted p8 Line 17-23)

Notice of Intent ok

Authority

214.10

214.12

626.843 subd 1 OK

626.845 subd 1 (i)

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

TO: Rulemaking File

FROM: William R. Carter, III
Standards Coordinator

SUBJECT: Notice of Submission to Attorney General and Affidavit of Mailing the Notice

Since the board did not receive any requests for notification of submission of the rules of the Attorney General, the above-named documents are not required.

WRC:mb

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

DATE: May 7, 1987

TO: Rulemaking File

FROM: William R. Carter, III
Standards Coordinator

SUBJECT: Petition for Proposed Rule, or Rule Change

The Board did not receive any petitions for proposing or changing any of the rules.

WRC:mb

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

DATE: May 7, 1987

TO: Rulemaking File

FROM: William R. Carter, III WRC
Standards Coordinator

SUBJECT: Notice of Solicitation of Information or Opinions

This document was not used in this rulemaking process.

WRC:mb

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

DATE: May 7 1987

TO: Rulemaking File

FROM: William R. Carter, III
Standards Coordinator

SUBJECT: Requests or Comments on the Rule

The Board did not receive any written requests, submissions, or comments on the proposed rules.

WRC:mb

Exhibit A

Peace Officers Standards and Training Board

Proposed Rules Relating to Licensing

Rules as Proposed

6700.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. Conviction of a felony. "Conviction of a felony" means that a person has been charged with a crime punishable by more than one year and that the person was convicted of that crime regardless of a stay of imposition or stay of execution.

6700.0500 ~~PEACE-OFFICER-PREEMPLOYMENT-EDUCATION~~ ACADEMIC AND SKILLS LICENSING EXAMINATIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. ~~Peace-officer-licensing-examination~~ Reinstatement of eligibility. Upon successful completion of the required ~~peace-officer-licensing-examination~~ academic and skills licensing examinations, 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 based on the substantive changes in law and police practices.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. Scope. For the purposes of this part, the terms defined have the meanings given to them.

Subp. 2. Basic police education. "Basic police education" means:

A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or

B. a basic course sponsored by the federal government

Approved by Revisor [signature]

for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Center's uniformed patrol course or basic investigators course.

Subp. 3. **Law enforcement officer.** "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Subp. 4. **Comparable preemployment education.** "Comparable preemployment education" means a total of ten points or more.

A. Years of experience:

(1) one to five years, five points;

(2) five years and one day to ten years, six points;

(3) ten years and one day to 15 years, seven points;

(4) 15 years and one day to 20 years, eight points;

(5) 20 years and one day or more, nine points.

B. Basic police education:

(1) 350 or more hours, five points;

(2) 280 to 349 hours, four points;

(3) 210 to 279 hours, three points;

(4) 140 to 209 hours, two points;

(5) 100 to 139 hours, one point;

(6) less than 99 hours, zero points.

C. Postsecondary degree, one point.

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of the Council on Postsecondary Accreditation and authorized to award such titles including, but not limited to, Associate of Arts (A.A.) degrees, Associate of

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Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, Bachelor of Science (B.S.) degrees.

Subp. 6. **Years of experience.** "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course.

Subd. 7. **Qualifications.** A person who has comparable preemployment education, who has had one continuous year of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination.

Subp. 8. **Eligibility.** The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600.

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice.

Subp. 10. **Applicability.** This part shall not apply to a person who holds a lapsed, revoked, or suspended peace officer license.

6700.0601 EXAMINATION STANDARDS.

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

A. making any false material statement to the board;

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

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monitor;

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

D. obstructing a board investigation;

E. without board authorization, possessing a copy of any of the board's examinations;

F. aiding another person to violate items A to E;

G. having been convicted of a felony in any state or federal jurisdiction; or

H. having been convicted of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

Subp. 2. **Disciplinary proceedings.** Disciplinary hearings under this rule shall be conducted pursuant to Minnesota Statutes, section 214.10, subdivisions 2 to 5; parts 1400.5100 to 1400.8400; part 6700.1700; the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69; and the rules of the Office of Administrative Hearings, chapter 1400. The requirement to notify the chief law enforcement officer shall be waived if the person does not currently possess a license.

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

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **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 subpart 2.

A. to G. [Unchanged.]

H. An evaluation, including an oral interview, shall be made by a licensed psychologist to determine that the

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applicant is free from any emotional or mental condition which might adversely affect the performance of peace officer duties.

I. and J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1, items A to J. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subparts 1 and 2, or subpart 3. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. and 4. [Unchanged.]

6700.0701 NOTIFICATION OF CONVICTION.

If any background search required by parts 6700.0100 to 6700.1900 reveals a conviction of a felony, the conviction of a crime listed in Minnesota Statutes, section 214.10, subdivision 2a, or the conviction of a crime which was charged under an ordinance but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.

6700.0901 DEFINITIONS.

For the purpose of this part, the following words and phrases in this part have the meanings given.

Subpart 1. **Accreditation.** "Accreditation" means authority granted by the board to a school, agency, or association of agencies to approve courses for continuing education credit.

Subp. 2. **Continuing education coordinator.** "Continuing education coordinator" means a full-time employee appointed by the continuing education sponsor to manage the day-to-day activities of the accreditation program. The person shall have professionally recognized training and experience in adult education activities.

Subp. 3. **Continuing education sponsor.** "Continuing education sponsor" means a school, agency, or association of agencies which has received accreditation.

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Subp. 4. **Disciplinary action.** "Disciplinary action" means one or more of the following: letter of censure to the course sponsor, probation of the course sponsor, or suspension or revocation of the accreditation.

6700.0902 ACCREDITATION.

Subpart 1. **Application form.** A school, agency, or association of agencies which seeks to become a continuing education sponsor shall submit a completed application on a form provided by the board. The application must include proof that the applicant has:

(1) conducted a formal training needs assessment;

(2) access to the necessary training facilities and equipment to carry out training activities;

(3) a continuing education coordinator with adequate support staff; and

(4) policies for the evaluation of each course conducted.

Subp. 2. **Provisional accreditation.** Upon review of the application, and having determined that the applicant has met the requirements listed in subpart 1, the board shall grant provisional accreditation.

Subp. 3. **Accreditation.** After the continuing education sponsor has completed a workshop on accreditation procedures and the board has completed an on-site evaluation of the continuing education sponsor, the board shall grant or deny accreditation. Final accreditation must be granted or denied within one year of the date on which provisional accreditation was granted.

Subp. 4. **Continuing education coordinator duties.** The continuing education coordinator shall have the following duties:

A. approve in the continuing education sponsor's courses pursuant to part 6700.0900, subpart 3, items E, F, and G;

B. calculating the number of continuing education hours for each course the continuing education sponsor approves pursuant to part 6700.0900, subpart 3, item H; and

C. maintaining lesson plans and instructor

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credentials for each course it sponsors including handout materials, attendance policy, and evaluations.

Subp. 5. **Change of continuing education coordinator.** The continuing education sponsor shall notify the board within ten days after the continuing education coordinator has left the position. If the position is not filled within 30 days of the position being vacated, the course sponsor shall not use the process prescribed by this part until the new continuing education coordinator is hired. If the continuing education sponsor applies for credit for a course when there is no continuing education coordinator, the continuing education sponsor shall submit the course for approval pursuant to part 6700.0900, subpart 3, item G. The continuing education sponsor shall provide the board the name of the new coordinator before the coordinator's first day of employment.

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers or constables who complete each course, each peace officer or constable license number, and the number of continuing education hours which are to be credited to each peace officer or constable. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers or constables who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of

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the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the commencement of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers and constables who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. **Violations.** The board may take disciplinary action against a continuing education sponsor for any violation of this part by the sponsor or the continuing education coordinator. Also, disciplinary action may be taken when the continuing education sponsor, continuing education coordinator, or faculty does not cooperate with the board in the investigation of a violation of this part.

Subp. 11. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69, and the rules of the Office of Administrative Hearings.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of part-time peace officer license.** 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

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shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within ~~one-year~~ three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than ~~one-year~~ three years after the date the individual's license was placed on an inactive status is required to ~~comply with~~ complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the documentation necessary to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1201 CONSTABLES.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a

Approved by Revisor _____

constable within ~~one-year~~ three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than ~~one year~~ three years after the date the individual's license was placed on an inactive status is required to ~~comply with~~ complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the necessary documentation to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

Subpart 1. and 2. [Unchanged.]

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

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or

Approved by Revisor _____

nonrenewal of license:

A. to D. [Unchanged.]

E. any violation of a board rule set forth in parts 6700.0100 to 6700.1900; or

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700; or

G. the conviction of a crime which was charged under an ordinance but which would be a conviction under Minnesota Statutes, section 609.52 if it was charged under state law.

REPEALER. Minnesota Rules, part 6700.0500, subpart 4, is repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensing

AGENCY: Peace Officers Standards and Training Board

MINNESOTA RULES: Chapter 6700

The attached rules are approved for publication
in the State Register

Robert P. Kittel
Assistant Deputy Revisor

Exhibit B

Peace Officers Standards and Training Board

RECEIVED
FEB 26 1987
POST

Adopted Rules Relating to Licensing

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. **Conviction of a felony.** "Conviction of a felony" means that a person has been charged with a crime punishable by more than one year and that the person was convicted of that crime regardless of a stay of imposition or stay of execution.

6700.0500 ACADEMIC AND SKILLS LICENSING EXAMINATIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the required academic and skills licensing examinations, 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 based on the substantive changes in law and police practices.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. **Scope.** For the purposes of this part, the terms defined have the meanings given to them.

Subp. 2. **Basic police education.** "Basic police education" means:

A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or

B. a basic course sponsored by the federal government for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the

Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Center's uniformed patrol course or basic investigators course.

Subp. 3. **Law enforcement officer.** "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Subp. 4. **Comparable preemployment education.** "Comparable preemployment education" means a total of ten points or more.

A. Years of experience:

(1) one to five years, five points;

(2) five years and one day to ten years, six points;

(3) ten years and one day to 15 years, seven points;

(4) 15 years and one day to 20 years, eight points;

(5) 20 years and one day or more, nine points.

B. Basic police education:

(1) 350 or more hours, five points;

(2) 280 to 349 hours, four points;

(3) 210 to 279 hours, three points;

(4) 140 to 209 hours, two points;

(5) 100 to 139 hours, one point;

(6) less than 99 hours, zero points.

C. Postsecondary degree, one point.

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of the Council on Postsecondary Accreditation and authorized to award such titles including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, Bachelor of Science (B.S.) degrees.

Subp. 6. **Years of experience.** "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course.

Subd. 7. **Qualifications.** A person who has comparable preemployment education, who has had one continuous year of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination.

Subp. 8. **Eligibility.** The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600.

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice.

Subp. 10. **Applicability.** This part shall not apply to a person who holds a lapsed, revoked, or suspended peace officer license.

6700.0601 EXAMINATION STANDARDS.

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

A. making any false material statement to the board;

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

C. referring to books or any study material during

the examination, except with the express permission of the monitor;

D. obstructing a board investigation;

E. without board authorization, possessing a copy of any of the board's examinations;

F. aiding another person to violate items A to E;

G. having been convicted of a felony in any state or federal jurisdiction; or

H. having been convicted of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

Subp. 2. **Disciplinary proceedings.** Disciplinary hearings under this rule shall be conducted pursuant to Minnesota Statutes, section 214.10, subdivisions 2 to 5; parts 1400.5100 to 1400.8400; part 6700.1700; the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69; and the rules of the Office of Administrative Hearings, chapter 1400. The requirement to notify the chief law enforcement officer shall be waived if the person does not currently possess a license.

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

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **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 subpart 2.

A. to G. [Unchanged.]

H. An evaluation, including an oral interview, 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.

I. and J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1, items A to J. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subparts 1 and 2, or subpart 3. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. and 4. [Unchanged.]

6700.0701 NOTIFICATION OF CONVICTION.

If any background search required by parts 6700.0100 to 6700.1900 reveals a conviction of a felony, the conviction of a crime listed in Minnesota Statutes, section 214.10, subdivision 2a, or the conviction of a crime which was charged under an ordinance but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.

6700.0901 DEFINITIONS.

For the purpose of this part, the following words and phrases in this part have the meanings given.

Subpart 1. **Accreditation.** "Accreditation" means authority granted by the board to a school, agency, or association of agencies to approve courses for continuing education credit.

Subp. 2. **Continuing education coordinator.** "Continuing education coordinator" means a full-time employee appointed by the continuing education sponsor to manage the day-to-day activities of the accreditation program. The person shall have professionally recognized training and experience in adult education activities.

Subp. 3. **Continuing education sponsor.** "Continuing education sponsor" means a school, agency, or association of agencies which has received accreditation.

Subp. 4. **Disciplinary action.** "Disciplinary action" means one or more of the following: letter of censure to the course

sponsor, probation of the course sponsor, or suspension or revocation of the accreditation.

6700.0902 ACCREDITATION.

Subpart 1. **Application form.** A school, agency, or association of agencies which seeks to become a continuing education sponsor shall submit a completed application on a form provided by the board. The application must include proof that the applicant has:

(1) conducted a formal training needs assessment;

(2) access to the necessary training facilities and equipment to carry out training activities;

(3) a continuing education coordinator with adequate support staff; and

(4) policies for the evaluation of each course conducted.

Subp. 2. **Provisional accreditation.** Upon review of the application, and having determined that the applicant has met the requirements listed in subpart 1, the board shall grant provisional accreditation.

Subp. 3. **Accreditation.** After the continuing education sponsor has completed a workshop on accreditation procedures and the board has completed an on-site evaluation of the continuing education sponsor, the board shall grant or deny accreditation. Final accreditation must be granted or denied within one year of the date on which provisional accreditation was granted.

Subp. 4. **Continuing education coordinator duties.** The continuing education coordinator shall have the following duties:

A. approve in the continuing education sponsor's courses pursuant to part 6700.0900, subpart 3, items E, F, and G;

B. calculating the number of continuing education hours for each course the continuing education sponsor approves pursuant to part 6700.0900, subpart 3, item H; and

C. maintaining lesson plans and instructor credentials for each course it sponsors including handout materials, attendance policy, and evaluations.

Subp. 5. **Change of continuing education coordinator.** The continuing education sponsor shall notify the board within ten days after the continuing education coordinator has left the position. If the position is not filled within 30 days of the position being vacated, the course sponsor shall not use the process prescribed by this part until the new continuing education coordinator is hired. If the continuing education sponsor applies for credit for a course when there is no continuing education coordinator, the continuing education sponsor shall submit the course for approval pursuant to part 6700.0900, subpart 3, item G. The continuing education sponsor shall provide the board the name of the new coordinator before the coordinator's first day of employment.

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers or constables who complete each course, each peace officer or constable license number, and the number of continuing education hours which are to be credited to each peace officer or constable. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers or constables who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the commencement of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers and constables who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. **Violations.** The board may take disciplinary action against a continuing education sponsor for any violation of this part by the sponsor or the continuing education coordinator. Also, disciplinary action may be taken when the continuing education sponsor, continuing education coordinator, or faculty does not cooperate with the board in the investigation of a violation of this part.

Subp. 11. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.01 to 14.69, and the rules of the Office of Administrative Hearings.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of part-time peace officer license.** 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 the name of licensee, licensee's forwarding address, unless the licensee requests that this information not

be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than three years after the date the individual's license was placed on an inactive status is required to complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the documentation necessary to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1201 CONSTABLES.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Inactive status of constable license.** The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within three years of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than three years after the date the individual's license was placed on an inactive status is required to complete the selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain the necessary documentation to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.

Subp. 8. [Unchanged.]

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

Subpart 1. and 2. [Unchanged.]

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

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

A. to D. [Unchanged.]

E. any violation of a board rule set forth in parts 6700.0100 to 6700.1900;

F. any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700; or

G. the conviction of a crime which was charged under an ordinance but which would be a conviction under Minnesota Statutes, section 609.52 if it was charged under state law.

REPEALER. Minnesota Rules, part 6700.0500, subpart 4, is repealed.

Exhibit C

STATEMENT OF NEED AND REASONABLENESS

REGARDING PROPOSED RULES OF THE

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

6700.0100 Definitions

Subp. 21. Conviction of a felony. It is necessary and reasonable to define this term in order to eliminate any ambiguity. By amending this definition, the Board is also expanding its jurisdiction so that the Board is permitted to take action in cases where the licensee is convicted of a felony but the sentence imposed includes a stay of imposition. The Board believes that it shall have jurisdiction in any case where the licensee is convicted of a felony, regardless of the sentence.

6700.0500 Academic and Skills Licensing Examinations

Subp. 5. Reinstatement of eligibility. It is necessary and reasonable to redefine peace officer licensing examination in this subpart as academic and skills licensing examinations to differentiate these from the reciprocity licensing examination which, for purposes of organization, is now addressed in 6700.0501.

6700.0501 Reciprocity Licensing Examination

It is necessary and reasonable to have a mechanism by which individuals trained in a state other than Minnesota who wish to become employed here as peace officers can become licensed without having to duplicate basic police training unnecessarily. Until now, the board has relied on the standard of "professionally recognized peace officer training...deemed comparable to the [Minnesota] basic course," as set forth in the present rule 6700.0500, subp. 4, to determine whether officers from another state should qualify for a peace officer license. Experience with this rule has disclosed two problems which proposed rule 6700.0501 seeks to address. First, the concept of comparable police education is too vague to ensure uniform application. Second, some highly qualified officers with long experience in other states began careers in states where mandatory basic police training was not required, or was of such short duration that their training alone cannot be considered comparable to Minnesota's basic course. This rule seeks to recognize the value of experience as a peace officer to prevent the exclusion of an individual solely because the individual's basic training course was not as extensive as that now required in Minnesota.

The point system set forth in this rule was formulated by the Board after careful examination of the concept of comparable preemployment education established in 6700.0500, Subp. 4. The point scale was formulated by the board as a necessary means of achieving greater uniformity in applying this rule and to address the problem arising when a shorter than average basic training course might otherwise prevent an individual with substantial police experience from obtaining employment in Minnesota. In order to evaluate as objectively as possible whether applicants for reciprocity meet the criteria the Board has established for eligibility, the Board has assigned points to these criteria. Points are given for length of basic training (course hours) and years of experience. An additional point is given for possession of a post-secondary degree because post-secondary education is a vital component of Minnesota's licensing system, but is not required by other states. The point scale is reasonable because it allows for a degree of flexibility and fairness in determining eligibility for individuals with widely varying experience and training in law enforcement.

Other features of this rule are discussed under the corresponding subpart heading.

Subp. 1. Scope. It is reasonable and necessary to clearly define terms in this rule which may have different or ambiguous meanings for individuals trained in another state.

Subp. 2. Basic Police Education. It is necessary and reasonable to limit consideration of an applicant's training in another state to that which leads to peace officer certification in that state because the concept of reciprocity depends on an applicant's having been officially licensed or certified in another jurisdiction. Federal law enforcement agents constitute a separate category because they function within an entirely different kind of criminal justice system from those of each of the 50 states. The federal training listed includes the most common types with which the Board has had experience. Other forms of federal law enforcement training may be considered only if the training leads to a position classified as law enforcement by the United States Office of Personnel Management.

Subp. 3. Law Enforcement Officer. It is necessary to carefully define the term "law enforcement officer" to exclude any experience which does not meet the twin criteria of the officer's having had ppwers of arrest and having had authority to carry a firearm. These criteria define the difference between peace officers, part-time peace officers, and constables and all other kinds of quasi-law enforcement positions, including security guards and reserve officers.

The United States Office of Personnel Management classifies federal law enforcement positions as a special category of federal employee which is consistent with our own narrow definition of peace officer. We have relied upon that classification in the past to differentiate federal law enforcement officers from other kinds of federal agents.

Subp. 4. Comparable pre-employment education. As explained earlier, this point system was carefully designed to weigh the training and experience of applicants seeking a Minnesota peace officer license through reciprocity. The basic norm of this scale is eight to ten weeks of basic training plus a minimum of one year of experience. Additional weight is given to eligibility if the applicant possesses a college degree because this is a feature of Minnesota's present pre-service training system but not of that of other states. The points are scaled so that a greater amount of basic training may compensate for a lesser amount of experience and vice versa. It is necessary and reasonable for the Board to have a system that will ensure consistency and flexibility in determining eligibility for applicants with widely differing backgrounds.

Subp. 5. Post-secondary Degree. Additional weight for flexibility is given in determining elibility to applicants who possess a formal post-secondary degree. Possession of a post-secondary degree is now necessary to obtain a peace officer license in Minnesota through our academic and skills system.

A two year or four year degree is not necessary for certification in other states. However, credit is given in this rating system in such a way so as to enhance any slight deficit in either training or experience.

Subp. 6. Years of experience. It is reasonable and necessary to count experience only from the point when law enforcement training has been completed because many states allow individuals to work in a peace officer or quasi-peace officer capacity prior to being trained. We have no reliable way to evaluate experience prior to training. Because reciprocity extends only to individuals who have met training and certification standards of a state, it is reasonable to exclude experience gained before licensing or certification.

Subp. 7. Qualifications. There are five conditions the Board wishes to impose upon applicants seeking reciprocity. Two of these conditions have to do with time restrictions. It is a common practice in most states to set a time limit on the duration of an applicant's absence from any formal law enforcement position. It is reasonable and necessary to set such a time limit because successful performance of law enforcement duties is dependent on an officer's receiving up-to-date training and on contin-

uously exercising the skills required for such work. The Board chose a six year limit because the Board has concluded, based on its own research and experience, that six years is the maximum period of time that an individual who has left the law enforcement field can maintain the knowledge and skills necessary to function in a law enforcement capacity. The constant evolution of criminal and civil law, and innovations in technology and police procedures make such a time limit reasonable and necessary.

The requirement of a minimum of one year's experience will ensure that applicants from other states have met probationary requirements, have achieved certification status and have a significant degree of practical law enforcement experience. By this requirement, the Board seeks to prevent Minnesota residents from obtaining training in other states for the sole purpose of applying for reciprocity in Minnesota. Such a practice is contrary to the purpose of the reciprocity system and undercuts the strength of our training system.

Because the concept of reciprocity is to accommodate experienced and qualified peace officers who wish to relocate in Minnesota, a one year's minimum experience is reasonable and necessary.

The last area addressed in this subpart, prior suspension or revocation, is necessary to prevent unqualified individuals from entering Minnesota law enforcement through the reciprocity process. The Board wishes to grant licenses to experienced and qualified individuals from other states as eligible for reciprocity. It is reasonable to eliminate from consideration for eligibility an individual who does not presently qualify under his or her state's certification or licensing standards for a peace officer position in that state.

Subp. 8. Eligibility. Because eligibility for reciprocity is dependent on an applicant's having functioned in an official peace officer capacity during the previous six years, it is reasonable and necessary to set a time limit on an applicant's eligibility to take the examinaton. One year is more than ample time to prepare for, schedule and take the reciprocity examination. It is the Board's experience that most applicants have taken the examination within three months of submitting an application.

Subp. 9. License eligibility. Once a person has qualified for reciprocity and has passed the reciprocity examination, it is necessary to set a time limit for becoming licensed similar to that set for skills reinstatement in 6700.0500, Subp. 5. This is reasonable and necessary to ensure that the applicant has a working knowledge of recent changes in the criminal and traffic codes and any other developments in Minnesota state statutes or administrative rules required by the Board.

Subp. 10. Applicability. It is necessary and reasonable to clarify the Board's desire that a peace officer whose license has lapsed or has been suspended or revoked in Minnesota not have available to him or her the reciprocity process to bypass the terms of the revocation or suspension.

6700.0601 Examination Standards.

Subp. 1. Grounds for denial. It is necessary and reasonable to establish a procedure for denying the issuance of a license to anyone who has passed or assisted another in passing any of the Board's examinations dishonestly. Similarly, the board should have the authority to deny a license to anyone who has been convicted of a felony, here or elsewhere. Without this rule, the Board's only recourse in dealing with individuals in either of these groups is to issue a license and then revoke it using the procedure outlined in 6700.1700 - an unnecessarily cumbersome process for dealing with such individuals.

Subp. 2. Disciplinary proceedings. This subpart mirrors the Board's existing complaint procedures and applies those procedures to violations of subp. 1. It is reasonable and necessary to have an established formal process for cases when the Board denies an applicant a license upon grounds established in Subp. 1 in order to ensure due process to that applicant.

Subp. 3. Suspension or revocation of a license. It is necessary to establish a mechanism for dealing with those who have violated the provisions of Subp. 1 but whose violations are not disclosed to the Board until after a license has been issued to the violator. These violations are not covered in 6700.1600.

6700.0700 Minimum Selection Standards.

Subp. 1 H. Selection standards. It is necessary to add the words <u>oral interview</u> to the requirement for applicants to undergo a psychological evaluation in order to distinguish the kind of psychological evaluation the Board considered in formulating 6700.0700, Subp. 1 H, from the primarily psychological screening that is commonly used by the skills programs written evaluation. It is the opinion of most, if not all, psychologists with whom the Board has consulted, that an adequate psychological evaluation cannot be done without an oral interview.

Subp. 2. Documentation. It has become common practice for law enforcement agencies to consider successful completion of the skills school to meet the requirement for a test of physical strength and agility as set forth in 6700.0700, Subp. 1 I. Completion of the Skills course is widely accepted as the best indication of an individual's level of physical strength and agility. This rule allows hiring agencies to consider the

requirement for physical strength and agility to have been met without having to obtain documentation to that effect. The fact that an individual has obtained eligibility for a a license by completing such a course is suffient evidence. This rule does not limit the local agency's ability to set its own standards of physical strength and agility or to request documentation of completion from the skills schools.

6700.0701 Notification of conviction. It is necessary and reasonable to require agencies to report to the Board information learned during a background investigation when that information would prevent the individual from obtaining or maintaining a peace officer license. Presently there is no requirement for agencies to report such disclosures and the Board must rely primarily on newspaper accounts or citizen complaints to learn of violations of 6700.1600.

6700.0901 Definitions

The terms accreditation, continuing education coordinator, and continuing education sponsor are defined in relation to their use in the POST Board rules. These definitions are reasonable and necessary in order to establish common usage and understanding among the continuing education sponsors and members of the POST Board and POST Board staff.

6700.0902 Accreditation of Continuing Education Sponsors

Subp. 1. Application form. This section outlines the minimum requirements necessary for an applicant to become an accredited course sponsor. These minimum requirements are reasonable and necessary in order to ensure that the same quality of continuing education courses are maintained at the sponsor location as at the POST Board Continuing Education Unit.

Subp. 2. Provisional certification. The section providing for <u>provisional accreditation</u> will provide the Board with time to review each program's facilities and coordinator for a sufficient period to insure the new program is working correctly. It is reasonable and necessary because without such time for review, the Board could not adequately assess whether all requirements for accreditation are being met.

Subp. 3. Accreditation. It is necessary that the applicant and the Board have a specified time limit to either approve or deny the application.

Subp. 4. Continuing education coordinator duties. In order to insure the quality of the continuing education courses it is reasonable and necessary to specify the duties of the program coordinators. This will ensure that the Board's rules outlining the criteria for continuing education will be followed.

A. It is reasonable and necessary for the continuing education coordinator to have the authority to determine whether instructor qualifications and course subject matter meet the criteria given in 6700.0900, Subp. 3, items e, f, and g., because the coordinator is in the best position to make this determination.

B. This refers to rule 6700.0900 (H) which states that a credit hour must have a minimum of 50 minutes of class time. It is reasonable and necessary to establish such a minimum number of class minutes to ensure that all credit hours represent a similar measurement of classroom experiences.

C. It is reasonable and necessary to require the continuing education coordinator to retain lesson plans, instructor credentials and other course-related materials because the coordinator is in the best position to collect such documentation. (See 6700.0902, Subp. 8.)

Subp. 5. Change of continuing education coordinator. Because the coordinator's position is vital to the functioning of the program, it is necessary that the Board be aware of any changes in that position that occur. The coordinator must meet all of the requirements of the Board as well as demonstrate the ability to perform the functions related to the course approval process. It is reasonable to require the sponsor to notify the Board because the sponsor is in the best position to know of a change.

Subp. 6. Rosters. It is necessary for the Board to collect course rosters so that officers who have successfully completed any given course can be credited with partial fulfillment of the requirements of 6700.1000, Subp. 3. This is identical to the record keeping procedures used to collect information on non-accredited courses, as provided in 6700.0900, Subp. 8. It is reasonable for the sponsor to be required to supply the list to the Board because the sponsor is in the best position to gather the information required.

Subp. 7. Course notices. It is necessary and reasonable to establish a uniform means of informing each prospective student of the number of Board approved credit hours that can be earned through successful completion of the course to enable the student to evaluate his or her own training needs.

Subp. 8. Documentation. It is necessary and reasonable to establish a uniform policy for the maintenance and disposition of documents relating to course approval and that this information be available to the POST Board upon request. The five-year limit is in accordance with the Record's Retention Schedule worked out with the Department of Administration. Because the sponsor collects the information it is reasonable to require it to maintain the records.

Subp. 9. Course statements. It is reasonable and necessary to establish a uniform procedure for course instructors to inform their students how course results will be transmitted to the Board to avoid confusion among students about course results.

Subp. 10. Violations. It is both reasonable and necessary to insure that the accredited course sponsors comply with all of the Board's requirements. In order to assure that the program is successful, a disciplinary procedure is necessary. Should an accredited course sponsor fail to follow the established rules or fail to cooperate with the Board, there must be a procedure to address the problem. It is necessary to have sanctions in order to enforce compliance with the program. These sanctions are intended to assist in correcting potential problems and only in severe cases would the Board anticipate the initiation of these sanctions.

Subp. 11. Disciplinary proceedings. The purpose of this requirement is to assure that due process requirements are met if a hearing is required under Subp. 10.

6700.1101 Part-time Peace Officers

Subp. 7. Inactive status of part-time peace officer license. It is necessary and reasonable to set the same requirements for inactive part-time peace officer licensees as those for peace officer licensees set forth in 6700.1400, Subp. 3.

6700.1201 Constables

Subp. 7. Inactive status of constable license. It is necessary and reasonable to set the same requirements for inactive constable licensees as those for peace officer and part-time peace officer licensees set forth in 6700.1101 and 6700.1400, Subp. 3.

6700.1400 Inactive Status of Peace Officer Licenses

Subp. 3. Selection standards. The Board's experience with this rule has demonstrated that there is a problem with inactive licensees appointed to law enforcement positions after being out of law enforcement for one year or more being required to meet the selection standards again. In the majority of cases, the new hiring agency simply adopts previously completed standards; consequently the Board's selection standards have little actual effect. The majority of those who move from one law enforcement position to another do so within the period of a year, during which time there is little likelihood that any significant change in an individual's ability to meet the selection standards has occurred. It is reasonable and necessary: (1) to allow agencies more flexibility in hiring inactive licensed officers by extending the one year requirement for meeting selection standards to three; and (2) to require officers who have been on inactive status for more than three years to meet all selection standards (6700.0700) at the time of hire and to disallow the adoption of previously completed standards. The intent of this rule is to raise entrance requirements for individuals who have been out of law enforcement for a significant period. This rule does not limit an agency's ability to impose more rigorous standards of its own.

6700.1600 Violations of Standards of Conduct

Subp. G. The Board's experience with the standards of conduct established by this rule and Minn. Stat. 214.10, Subd. 2a, has uncovered the following problem. Peace officers charged with a violation of a statute, which is also a violation of local ordinance, may, at the discretion of the local court system, be convicted under the ordinance. Such cases will result in placing the violator outside of the Board's authority to enforce its own standards. For example, a peace officer convicted of theft under a city ordinance, rather than under Minn. Stat. 609.52, (for example, shoplifting), would result in no Board action without this proposed amendment. It is reasonable and necessary to provide this necessary correlation between the state statutes and local ordinance to allow the Board to enforce its own standards of conduct.