



## Minnesota Board of Peace Officer Standards and Training

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June 4, 2019

Legislative Reference Library  
645 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Minnesota Board of Peace Officer Standards and Training about rules governing Peace Officer Training and Licensing, Chapter 6700, Violation of Standards of Conduct, *Minnesota Rule*, 6700.1600; Revisor's ID Number R-04574

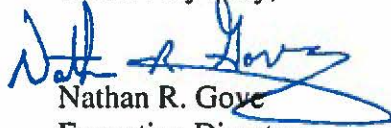
Dear Librarian:

The Minnesota Board of Peace Officer Standards and Training (POST Board) intends to adopt rules relating to Peace Officer Training & Licensing and Repeal Obsolete Rules. We plan to publish a Dual Notice of Intent to Adopt Rules without a Public Hearing unless 25 or more persons request a hearing. The Notice will be published in the state register on June 10, 2019.

The POST Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the POST Board is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-201-7788.

Yours very truly,

  
Nathan R. Goye  
Executive Director

Enclosure: Statement of Need and Reasonableness

Minnesota Board of Peace Officer Standards and Training

**STATEMENT OF NEED AND REASONABLENESS**

In the Matter of proposed Revisions of Minnesota Rule Chapter 6700

Governing Peace Officer Training and Licensing Rules

Revisor's # R-04574



**ALTERNATIVE FORMAT**

Upon request, this Statement of Need and Reasonableness (SONAR) will be made available in an alternative format such as large print, Braille or cassette tape. To make a request, please contact;

Mark Raquet

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651-201-7781 (voice) or 651-643-3072 (fax)

[mark.raquet@state.mn.us](mailto:mark.raquet@state.mn.us)

Persons with hearing loss or speech disabilities may call the Board through their preferred Telecommunications Relay Service.

## **INTRODUCTION**

The Minnesota Board of Peace Officer Standards and Training (POST Board) was created by legislation in 1977 to establish licensing for peace officers. Since that time, the duties of the POST Board have grown to include creating minimum standards of selection; developing learning objectives for continuing education; reimbursing local governments for some peace officer training expenses; establishing and enforcing standards of conduct for peace officers; investigating allegations of misconduct and unauthorized practice of law enforcement; and implementing policies and procedures mandated by the legislature. The POST Board is dedicated to advancing the professionalism of Minnesota's peace officers by adopting and regulating education, selection, licensing and training standards.

In 1977, the Minnesota Legislature directed the POST Board to establish and publish Standards of Conduct for licensed peace officers on or before January 1, 1979. As a result of the directive from the Legislature, in October 1979, the POST Board adopted a "conviction" of a felony crime as a violation of the Standards of Conduct. A violation of the Standards of Conduct allows the POST Board to impose sanctions on a peace officers license. Since 1979, there have been several amendments to the Standards of Conduct.

The proposed amendment would add three misdemeanor convictions as violations of Standards of Conduct that would fall within the POST Board's jurisdiction. Specifically, *Minnesota Statutes* 609.224 Misdemeanor Assault in the 5<sup>th</sup> Degree, 609.2242 Misdemeanor Domestic Assault and 169A.27 Misdemeanor Driving While Intoxicated.

In addition to the proposed amendment to Violation of Standards of Conduct, the POST Board is also proposing rule amendments to repeal Obsolete, Unnecessary or Duplicative rules as a result of statutory change, updated organizational practices and technology upgrades. Obsolete, Unnecessary or Duplicative rules were last addressed in 2001.

## **STATUTORY AUTHORITY**

*Minnesota Statutes*, sections 626.84 to 626.863 authorize the POST Board to adopt rules and standards relating to the selection, education and training of peace officers and part-time peace officers in the state of Minnesota. Under these statutes, the POST Board has the necessary statutory authority to adopt the proposed rules.

## **PUBLIC PARTICIPATION AND STAKEHOLDER INVOLVEMENT**

The POST Board published a Request for Comments (RFC) on the Standards of Conduct and repeal of Obsolete, Unnecessary or Duplicative rules in the State Register on March 4, 2019 (43 SR 1048). As part of the Additional Notice Plan, approved by Administrative Law Judge Eric L. Lipman on November 28, 2018, the RFC was published on the POST Board's website, and emailed to licensees with an email address on file. Additionally, the POST Board sent the RFC to eighteen organizations that may be affected by the proposed amendments. (See Additional Notice Plan.) A total of 9 comments were received during the 60 day mandatory comment period. The POST Board chose to leave the comment period open until a Notice of Intent to Adopt is published.

*Minnesota Statute 626.843 Subd. 1 (6)* requires the board to review the Standards of Conduct every three years. The POST Board's Standards Committee properly noticed meetings on September 28, 2017, November 14, 2017 and January 3, 2018 to review and consider changes. The scope of all three meetings primarily revolved around two issues: 1) holding peace officers to a higher standard than the general public, and, 2) the disparity of standards for individuals aspiring to become a peace officer and those already licensed (Minnesota Rules 6700.0700 and 6700.1600). Representatives of the Minnesota Chiefs of Police Association, Minnesota Sheriff's Association and Minnesota Police and Peace Officers Association were present for the January 3, 2018 Standards Committee meeting and voiced no opposition when the committee voted to recommend amendments to the Violation of Standards of Conduct to the full board.

On January 25, 2018, at a properly noticed meeting, the POST Board passed a motion and directed staff to initiate rulemaking proceedings to add Misdemeanor 5<sup>th</sup> Degree Assault, Misdemeanor Domestic Assault and Misdemeanor Driving While Intoxicated to the Violation of Standards of Conduct.

On January 24, 2019, at a properly noticed meeting, the POST Board passed a resolution authorizing the actions necessary to adopt rules, including Dual Notice of Intent to Adopt Rules with or Without a Hearing.

#### **VIOLATION OF STANDARDS OF CONDUCT HISTORY**

All licensed individuals are held to certain professional standards as a requirement for maintaining licensure. Peace officers are no different. The POST Board believes it's vitally important that all peace officers are held to high standards of personal and professional conduct in order to maintain the trust of the citizens they serve. For this reason, the POST Board regularly reviews, and when necessary or appropriate, amends the Standards of Conduct.

As stated previously, in 1977 the Legislature directed the POST Board to establish and publish Standards of Conduct by January 1, 1979. Since the adoption of the original Standards of Conduct in October 1979, several specific criminal convictions have been added to violations falling under the POST Board's administrative authority. The following criminal convictions are now included under the Violation of Standards of Conduct ruling:

- **1987** - Theft conviction
- **1993** - Mistreatment of Persons Confined, Mistreatment of Residents or Patients, Misconduct of Public Officer or Employee, Presenting False Claims to Public Officer or Body, Medical Assistance Fraud and Reporting of Maltreatment of Vulnerable Adults convictions
- **1995** - All Gross Misdemeanors, Deferring Prosecution for Certain First Time Drug Offenders, Violation of An Order for Protection, Criminal Sexual Conduct 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Degree, Receiving Stolen Property, Harassment-Restraining Order, Engage in Sexual Penetration Without Consent, Solicitation, Inducement & Promotion of Prostitution and Sex Trafficking, Sexual Harassment, Indecent Exposure convictions
- **2005** – Requirement to Register as a Predatory Offender.

*Minnesota Rule 6700.1710* authorizes the POST Board to impose discipline for violations of administrative rules. The POST Board has long maintained the employing agency should hold primary responsibility for disciplining their peace officers for violations of departmental policy, criminal violations and/or criminal convictions. When arrested, peace officers will be subject to employer discipline as well as court sanctions before the POST Board reviews the circumstances and considers imposing licensing sanctions. When grounds exist to impose sanctions, several disciplinary options exist with regards to a licensed peace officer: revoke the officer's license, suspend the license, or impose conditions on the license. Currently, the POST Board will levy sanctions on the license of a peace officer who has been convicted of any felony, any gross misdemeanor, or one of eleven crimes which could be charged as a misdemeanor.

Over the years, there has been on-going discussion regarding the types of misdemeanor convictions that should be included under POST Board jurisdiction. The proposed rule change adds Misdemeanor Fifth Degree Assault, Misdemeanor Domestic Assault, and Misdemeanor Driving While Intoxicated (DWI) to the current eleven misdemeanors listed under the Standards of Conduct.

Convictions for Misdemeanor Fifth Degree Assault or Misdemeanor Domestic Assault currently disqualify an individual from becoming a peace officer under the POST Board's Minimum Selection Standards rule. The POST Board believes these same misdemeanors should be added to the Standards of Conduct to align personal behavior expectations for licensed peace officers with Minimum Selection Standards.

While a Misdemeanor Driving While Intoxicated conviction will not prohibit licensure of potential peace officer candidates, the POST Board believes it should be added to the Violation of Standards of Conduct rules. Societal views on DWI have significantly changed over time due to the risks impaired drivers pose to the public. Because peace officers witness first-hand the consequences of DWI, they should be well aware of the dangers of impaired driving. The public has a right to expect that peace officers sworn to uphold the law will, in particular, not violate these laws. A conviction for Misdemeanor Driving While Intoxicated raises a question as to the fitness of a peace officer. Therefore, the POST Board believes it is entirely reasonable to hold officers accountable when convicted of Misdemeanor Driving While Intoxicated.

The POST Board believes the addition of these three misdemeanors to the Standards of Conduct is both necessary and reasonable. The amendment mandates a higher level of personal conduct for all peace officers, with the goal of enhancing the public's trust in those who are sworn to protect and serve.

#### **REPEAL OF OBSOLETE, UNNECESSARY, OR DUPLICATIVE RULES**

Pursuant to Minnesota Statute 14.05 subd. 5, the POST Board submitted to the Governor's office, rules or portions of rules which are believed to be obsolete, unnecessary or duplicative due to statutory change, board practice or technology upgrades. (November 16, 2018) The POST Board informed the Governor the rulemaking process will begin in early 2019 to repeal obsolete, unnecessary or duplicative rules. (See Rule by Rule Analysis)

## REGULATORY ANALYSIS

**“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”**

- Classes most likely to be affected by the proposed rule changes are;
  - Peace officers and part-time licensed peace officers
  - Municipal, County and State law enforcement agencies
  
- Classes that will bear the costs of the proposed rule;
  - No class of persons will bear the cost of the proposed rule change because none are anticipated.
  
- Classes that will benefit from the proposed rule;
  - The law enforcement profession as a whole as the proposed change increases accountability.
  - The general public as they expect peace officers and part-time licensed peace officers be held to a higher standard.

**“(2) the probable cost to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”**

- No probable costs to the Board or any other agency are predicted with the implementation and enforcement of the proposed rule changes. We will consult with the POST Board’s Executive Budget Officer at the Department of Finance, it’s anticipated the effect on state revenues is negligible.

**“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”**

- Since there are no anticipated costs associated with the proposed rule changes, a less costly method is not applicable.

**“(4) a description of any alternative methods for achieving the purpose of the proposed rule that would seriously be considered by the agency and the reasons why they were rejected in favor of the proposed rule”**

- Because the administrative procedures are set forth in *Minnesota Rules*, no alternative methods to achieve the purpose of the proposed rule changes were seriously considered.

**“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses or individuals”**

- We will consult with the POST Board’s Executive Budget Officer at the Department of Finance, we are anticipating there are no predicted probable costs to any of the identifiable categories of affected parties to comply with the proposed rule.

**“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories or affected parties, such as separate classes of government units, businesses, individuals”**

- There are no anticipated probable costs to any of the identifiable categories of affected parties to not adopt the proposed rule.
- Consequences for not adopting the proposed rule could be erosion of the public’s trust of peace officers and part-time licensed peace officers.

**“(7) an assessment of any differences between the proposed rule and existing federal regulation and a specific analysis of the need for and reasonableness of each difference”**

- There are no differences between the proposed rule change and existing federal regulations because the change relates only to the State of Minnesota’s training and licensing standards for peace officers.

**“(8) an assessment of the cumulative effect of the rule with other federal and state regulation related to the specific purpose of the role”**

- There is no cumulative effect of the proposed rule change with other federal and state regulations as the proposed change relates only to the State of Minnesota’s training and licensing standards for peace officers. No other state or federal agency have rules/laws pertaining to licensing of Minnesota peace officers.

## **PERFORMANCE-BASED RULES**

**Minnesota Statutes, sections 14.002 and 14.131, require the SONAR to describe how the agency, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.**

The POST Board considered performance-based standards by developing changes that will allow disciplinary action against the license of peace officers and part-time licensed peace officers who are convicted of Minnesota Statutes 609.224, 609.2242 and 169A.27. This emphasizes superior achievement because it will help enhance the POST Board’s mission of strengthening the level of professionalism in the law enforcement community. In addition, it is believed the public’s confidence in law enforcement will rise as the level of accountability increases. The goal of the proposed rule changes are to heighten



the standards for peace officers and part-time licensed peace officers who are charged with serving their communities.

#### **ADDITIONAL NOTICE**

According to *Minnesota Statutes*, section 14.131 and 14.23, additional notice will be given by:

- Posting the proposed rules and SONAR on the POST Board's website.
- E-mail the proposed rules and SONAR to all peace officers, part-time peace officers and inactive peace officers who have an e-mail on file.
- Have the proposed rules and SONAR available for the public at the POST Board office.
- Mailing the proposed rules and SONAR to, the Minnesota Chiefs of Police Association, Minnesota Sheriff's Association and Minnesota Police and Peace Officer Association for publication in their respective publications/newsletters.
- Mailing the proposed rules and SONAR to Minneapolis Police Federation, Saint Paul Police Federation, Minnesota Troopers Association and Hennepin County Deputy Sheriff's Association.
- Mailing the proposed rules and SONAR to collective bargaining units who represent significant numbers of individuals affected by the proposed rule changes
- Mailing the proposed rules and SONAR to individuals who have registered as interested parties and wish to receive notice of POST Board activities and rulemaking.
- Mailing the proposed rule and SONAR to Communities Against Police Brutality, Minneapolis NAACP and Saint Paul NAACP.
- Mailing the proposed rules and SONAR to Minnesota County Attorney's Association, League of Minnesota Cities and Association of Minnesota Counties.

As required by *Minnesota Statutes*, section 14.116, a copy of the Dual Notice and a copy of the SONAR will be mailed to the Legislative reference Library and to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules.

#### **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by *Minnesota Statutes*, section 14.131, the POST Board will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents we send to the Governor's Office for review and approval on the same day we send them to the Governor's Office. This will be done before the POST Board publishes the Notice of Intent to Adopt. The documents will include; the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The POST Board will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to the Office of Administrative Hearings at the hearing or with the documents submitted for Administrative Law Judge review.

## **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

As required by *Minnesota Statutes*, section 14.128, subdivision 1, the POST Board has considered whether the proposed rule will require a local government to adopt or amend any ordinance or other regulation in order to comply with the rule. It was determined the proposed rule amendment is specific to the POST Boards authority as a regulatory agency. Local governments have no statutory authority to impose sanctions on a peace officers license therefore have no need to amend or adopt an ordinance or regulation.

## **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

### **POST Board Determination of Cost**

As required by *Minnesota Statutes*, section 14.127, the POST Board has considered whether the cost of complying with the proposed rule in the first year after the rule takes effect will exceed \$25,000 for any small business or small city. It was determined the cost of complying with the proposed rule in the first year after the rule takes effect will not exceed \$25,000 for any small business or small city. The POST Board has determined the proposed rule will have no direct impact on small business or cities.

## **LIST OF WITNESSES**

If a public hearing is required, the following individuals will be available to testify in support of and answer questions regarding the reasonableness of the rules;

1. Mr. Nathan Gove, Executive Director, Minnesota Board of Peace Officer Standards and Training
2. Mr. Mark Raquet, Standards Coordinator, Minnesota Board of Peace Officer Standards and Training

## RULE-BY-RULE ANALYSIS

This section discusses each proposed rule change or repeal of obsolete, unnecessary or duplicative rules.

Repealed rule parts are denoted by ~~stricken~~ text.

New language is denoted by underlined text.

### **Minnesota Rule 6700.1600; VIOLATION OF STANDARDS OF CONDUCT**

The proposed rule change adds misdemeanor domestic assault and misdemeanor fifth degree assault to the list of convictions subject to licensing sanctions under the Violation of Standards of Conduct rule. The purpose of this rule change is to address the disparity between the Minimum Selection Standards for peace officer candidates and Violation of Standards of Conduct for currently licensed officers. (*Minnesota Rules 6700.0700 & 6700.1600*). Currently, criminal convictions for misdemeanor domestic assault or misdemeanor fifth degree assault will disqualify an individual from becoming a peace officer. The POST Board believes the behavioral expectations for current officers must align with those placed on individuals wishing to enter the profession. This rule change will give the POST Board disciplinary authority over currently licensed officers convicted of the same crimes that prohibit individuals from becoming peace officers.

The proposed rule change also adds misdemeanor driving while intoxicated (DWI) to the Violation of Standards of Conduct. Although a conviction for misdemeanor DWI is not included as a disqualifier in the Minimum Selection Standards for peace officer candidates, the POST Board believes it should be added to the list of sanctionable convictions under the Violation of Standards of Conduct applicable to current officers. Today's society fully understands the dangers of impaired driving. As a result, law enforcement has been asked to become increasingly proactive at DWI enforcement. Citizens reasonably expect officers to abide by the laws they enforce, and in particular those that are stringently enforced. The POST Board's proposal to add misdemeanor DWI to the Violation of Standards of Conduct gives notice to peace officers that DWI convictions are considered serious enough to justify licensing sanctions.

The POST Board believes the proposed addition of these three misdemeanors to the Violation of Standards of Conduct rule are necessary and reasonable to hold all peace officers to the highest standards of personal conduct and enhance public trust in the competence of law enforcement.

Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action:

[For text of items A to K, see M.R.]

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

[For text of items M to P, see M.R.]

**Minnesota Rule; 6700.0600 LICENSING EXAMINATIONS**

This proposed rule change removes obsolete language regarding the outdated peace officer licensing exam schedule. In 2018, the POST Board transitioned away from traditional pen and paper licensing examinations to a computer-based testing platform. In the past, paper examinations were offered at least four times annually. The recently created online examination format allows for increased test scheduling flexibility. Peace officer candidates are now able to schedule computer-based licensing examinations on a date, time and location that accommodates personal schedules. Peace officer candidates schedule examinations directly with the board's computer-based testing vendor. Licensing examinations can be taken at ten different testing sites in Minnesota and 315 locations nationwide.

The proposed rule change also removes obsolete language regarding the outdated examination application process. With the transition to computer-based testing, licensing examination applications are electronically submitted and transmitted to the Board. The previously posted deadline to submit required documents two weeks prior to examination date is no longer necessary.

With the removal of obsolete language regarding outdated exam scheduling and application process, the POST Board believes the proposed rule is both necessary and reasonable to clarify the new process for completing licensing exam applications.

~~Subpart 1. Application. Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit an written application and documentation as required by the board, on a form provided by the board to be received by the board no later than two weeks before the scheduled date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2. Applications and all supporting documents for the peace officer licensing examination must be received by the board no later than two weeks before the day of the examination. In no cases shall applications and supporting documentation be accepted after the two-week deadline. The application and supporting documents are valid for one year from the date the application is received by the board. Applications are valid for one year from the date they are approved by the board.~~

[For text of items subpart 2 to 5, see M.R.]

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**Minnesota Rule 6700.0800 LICENSING OF PEACE OFFICERS**

This proposed rule change removes obsolete language regarding the use of the initial letter of the licensee's surname to determine date of license expiration. Approximately ten years ago, the POST Board transitioned to a new records management system. The new system did not have the functionality to use licensee surname letters as a basis for establishing license expiration dates. As a result, a new business practice was instituted using the initial licensing date to determine the start of the three-year licensing cycle.

With the removal of obsolete language, the POST Board believes the amended rule is both necessary and reasonable to clarify the system currently in use to set license expiration dates. The intent of the rule has not changed – only the method for determining license expiration dates.

[For text of items subpart 1 to 2, see M.R.]

**Subp. 3. License Certificate.** The executive director shall issue a license certificate to an applicant who has complied with the requirements set forth in part 6700.0700, subpart 1, and in subpart 2 of this part, and whose affirmations are consistent with the board's records. ~~The period of time of the initial licensure shall be determined according to the initial letter of the licensee's surname, the date of expiration being determined by the provisions set forth in part 6700.1000, subpart 1. The~~ period of initial licensure is determined by the original date the license was issued. The license will be due for renewal on June 30 of the third calendar year after the year the license was issued, regardless of the month and day of initial licensure.

This proposed rule change removes obsolete language regarding the prorating of peace officer licensing fees. Approximately ten years ago, the POST Board transitioned to a new records management system. The new system did not have the functionality to prorate licensing fees. As a result, a new business practice was instituted such that regardless of the initial application date, renewal is now always required by June 30 of the third year of licensure. No prorated fees are necessary.

The POST Board believes the proposed rule is both necessary and reasonable as it maintains the intent of the rule by using a different business practice to accomplish the same goal.

**Subp. 4. Licensing fee.** The licensing fee is \$90.00. ~~If the board receives an application and fee on or after March 1 of the year in which the applicant would otherwise be due to renew the license. The~~ license will be valid through June 30 of the third year following receipt.

[For text of items subpart 5, see M.R.]

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### **Minnesota Rule 6700.0900 CONTINUING EDUCATION**

This proposed rule change removes unnecessary language regarding a past practice of randomly selecting licensees for review of continuing education credits. In 2015, the POST Board implemented a new records management system containing a custom program that automatically analyzes a licensee's continuing education work. This technology will not allow license renewal if the licensee does not have the required number of continuing education credits.

The proposed rule is both necessary and reasonable to reflect the use of new computer-based systems to check the continuing education status before issuance of a renewed peace officer license.

[For text of item subpart 1, see M.R.]

**Subp. 2. Continuing education and license renewal.** No peace officer license may be renewed unless the licensee or the licensee's appointing authority provides the board proof the licensee has

successfully completed board-approved continuing education required in part 6700.1000, subpart 3. ~~Licensees may be randomly selected by a computerized random number generator for a continuing education review. If selected, the licensee must verify successful completion of the required hours of continuing education for license renewal.~~

[For text of items subpart 3 to 6, see M.R.]

This proposed rule change removes obsolete language granting priority for continuing education course attendance to active licensees over inactive licensees. The POST Board's original intent behind this 1981 rule was to ensure active peace officers had timely access to continuing education coursework required for licensure. At the time, the number of continuing education courses offered by sponsoring agencies was limited. Over the years, significantly more training has become available, both in-person and on-line, for both active and inactive peace officers.

The POST Board believes the proposed rule change is necessary and reasonable as the wide range of law enforcement training available today ensures all licensed peace officers, both active and inactive, have convenient and equal access to continuing education coursework.

**Subp. 7. Inactive licensed officer.** An inactive licensed officer is eligible to attend continuing education courses. ~~Priority may be given to active licensees.~~

[For text of items subpart 8 to 17, see M.R.]

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### **Minnesota Rule 6700.1000 LICENSE RENEWAL**

This proposed rule change removes obsolete language regarding how license renewal dates are determined. When the original rule was established, the date for license renewal was determined based on the first letter of the licensee's surname. The Post Board's record management system installed approximately ten years ago did not permit the use of surname letters to establish license renewal periods. A new business practice was instituted using the initial license date as the determining factor for license renewal.

The new language in the proposed change also clarifies rules regarding the renewal of currently active part-time peace officer licenses to provide consistency with *Minnesota Rule 6700.1101* and *Minnesota Statute 626.8468* subd. 1.

With the removal of obsolete language, the POST Board believes the amended rule is both necessary and reasonable to clarify the system currently in use to renew licenses. The intent of the rule has not changed – only the method for determining license renewal periods.

**Subpart 1. Validity of licenses and renewal dates.** Peace officer licenses issued by the board under part 6700.0800 are valid until they expire, are revoked, or are surrendered by the licensee. Part-time peace officer licenses issued by the board pursuant to part 6700.1101 are valid until they expire, are revoked, are surrendered by the licensee, or become inactive as long as they remain active with the agency(s) that employed the part-time peace officer on or before June 30, 2014. Upon leaving

the agency(s) of employment after June 30, 2014, part-time peace officer licenses are automatically cancelled and will not be renewed.

Peace officer and part-time peace officer licenses are valid for a three-year period with a renewal date of June 30 on the third year of licensure.

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

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

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

This proposed rule change removes obsolete language regarding the requirement to submit a written application for renewal of a peace officer's license. In 2015, a new records management system was implemented that includes functionality for electronic renewal application forms. As a result, paper and/or electronic applications are accepted.

The POST Board believes the proposed rule change is necessary and reasonable as written applications are no longer required for license renewals.

**Subp.2. Application.** The board shall require a ~~written~~ an application for renewal of licenses

This proposed rule change removes obsolete language referencing prorated continuing education hours when peace officers submit applications for license renewal. In the past, license renewal dates were determined based on the first letter of the licensee's surname. Under this system, renewal applications could be due anywhere from six to thirty months following the date of license issuance. Consequently, the required continuing education hours had to be prorated based on the length of time a license was in effect prior to renewal. The Post Board no longer uses licensee surnames to determine license renewal dates. The Board's current records management system uses the initial license date as the determining factor for license renewal. Today, all licenses are up for renewal every three years and all officers must demonstrate completion of 48 hours continuing education prior to receiving a renewed license.

The POST Board believes the proposed rule change is necessary as pro-rated continuing education hours are no longer used for peace officer license renewal. This proposed change provides consistency with 6700.1000 subpart 1.

**Subp. 3. Certificate of renewal.** The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30, of the year when the license becomes due for renewal and also completed the required hours of continuing education. The appropriate fees are \$90 for renewal of a peace officer license and \$45 for renewal of a part-time peace officer license. The required hours of continuing education are;

- A. ~~16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months;~~
- B. ~~32 hours for a peace officers or part-time peace officer who has been licensed for at least 18 months but less than 30 months; and~~
- C. ~~48 hours for a peace officer or part-time peace officer who has been licensed or at least 30 months.~~

[For text of items subpart 4 to 11, see M.R.]

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### **Minnesota Rule 6700.1101 PART-TIME PEACE OFFICERS**

This proposed rule change removes obsolete language regarding notification of appointment of part-time peace officers. During the 2014 legislative session, legislators eliminated the issuance of new part-time peace officers after June 30, 2014. Part-time licensed peace officers employed prior to June 30, 2014, were grandfathered in and allowed to continue to work for their current agency(s) indefinitely. A part-time peace officer who leaves employment after June 30, 2014 will have their license cancelled. The licenses of part-time peace officers not employed as of June 30, 2014 were cancelled. (*Minnesota Statute 626.8468 subdivision 1*).

The POST Board believes removal of the obsolete language in this rule is necessary to provide consistency with *Minnesota Statute 626.8468*.

[For text items subpart 1 to 3, see M.R.]

~~Subp. 4. Notification of appointment of part-time peace officer. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5. The appointee shall not exercise part-time peace officer powers until the notification form is received and approved by the board.~~

[For text of items subpart 5 to 6, see M.R.]

This proposed rule change removes obsolete language regarding the inactive status of part-time peace officers. Legislators eliminated the issuance of new part-time peace officer licenses during the 2014 legislative session. As of June 30, 2014, all inactive part-time peace officer licenses were cancelled as well. Legislators decided that part-time peace officers as of June 30, 2014, can continue employment until they leave their agency(s). Once part-time peace officers leave their agency(s), their part-time license is cancelled. Additionally, any part-time peace officers who weren't employed after June 30, 2014, had their license cancelled. (*Minnesota Statute 626.8468 subdivision 1*).

The POST Board believes the removal of obsolete language referencing inactive status of part-time peace officer licenses is necessary to provide consistency with *Minnesota Statute 626.8468*.



~~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 license, licensee's forwarding address, unless the licensee requests that this information not be divulged, and the date of termination. An individual who possesses an inactive part-time peace officer license has no part-time peace officer power or authority.~~

~~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.~~

 JUNE 6, 2019  
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Executive Director