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6700.0900 TRAINING AND LICENSING

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CHAPTER 6700 BOARD OF PEACE OFFICER STANDARDS AND TRAINING TRAINING AND LICENSING

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6700.0900 CONTINUING EDUCATION.

[For text of subps 1 and 2, see M.R. 1985]

Subp. 3. Criteria for course approval. For the purpose of this rule, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

[For text of subp 3, items A to G, see M.R. 1985]

H. The board will approve the course for continuing education credit hours based on each hour of proposed training. An hour shall consist of 50 minutes of learning activities.

[For text of subp 3, item I, see M.R. 1985]

[For text of subps 4 to 10, see M.R. 1985]

Subp. 11. [Repealed, 9 SR 2701]

[For text of subp 12, see M.R. 1985]

Statutory Authority: *MS s 16A.128; 214.06; 214.12; 626.843 subds 1 cl (1), 3 para (d), 626.845 subd 1 cl (i); 626.86*

History: 9 SR 2701

6700.1000 LICENSE RENEWAL.

[For text of subps 1 to 4, see M.R. 1985]

Subp. 5. Lapse of license. A license shall lapse when the requirements of subpart 3 are not met.

Subp. 6. License lapsed less than three years. The executive director shall restore a license and issue a certificate of renewal for a license which has been lapsed for less than three years when the licensee submits:

A. the appropriate license renewal fee for a lapsed license; and

B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

Subp. 7. License renewal fee. For the purposes of subparts 6 and 9, the appropriate license renewal fee for a lapsed license is as follows:

A. lapsed peace officer license is \$45; or

B. lapsed part-time peace officer license is \$37.50; or

C. lapsed constable license is \$45.

Subp. 8. License lapsed more than three years. When a license has been lapsed for more than three years, the executive director shall restore the license when:

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A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for a lapsed license.

Subp. 9. Licensing examination. For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the academic and skills licensing examination for a peace officer;

B. the part-time peace officer licensing examination for a part-time peace officer; or

C. the constable licensing examination for a constable.

Subp. 10. Continuing education after license is restored. Notwithstanding any rule to the contrary, after a peace officer or constable license has been restored, the licensee shall complete 48 hours of board-approved continuing education, no more than six of which consist of on-line shooting, on or before June 30 of the year when the license becomes due for renewal.

Subp. 11. Appeals. Any contested case which arises from subpart 3, 6, or 8 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings.

Statutory Authority: *MS s 16A.128; 214.06; 214.12; 626.843 subds 1 cl (1), 3 para (d); 626.845 subd 1 cl (i); 626.86*

History: 9 SR 2701

6700.1100 LICENSING OF PART-TIME PEACE OFFICERS.

[For text of subps 1 to 10, see M.R. 1985]

Subp. 11. Applicability. This rule applies only to part-time peace officers appointed before August 1, 1985.

Subp. 12. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

Statutory Authority: *MS s 626.843 subds 1 paras (g),(k), 3 para (d); 626.845 subd 1 para (v)*

History: 10 SR 354

NOTE Minnesota Rules, part 6700 1100 is repealed effective August 1, 1987.

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. Scope and purpose. In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to part-time peace officers appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted of a felony in this state

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or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

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

D. The applicant for a part-time peace officer license shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. **Documentation.** The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

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.

Subp. 5. **License application procedure.** If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. **Issuance of part-time peace officer license.** The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of part 6700.1000, subpart 1. The appropriate licensing fee is \$7.50 if the license is valid for at least 30 months but less than 36 months, \$5 if the license is valid for at least 18 months but less than 30 months; and \$2.50 if the license is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

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

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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 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 after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

Statutory Authority: *MS s 626.843 subds 1 paras (g),(k), 3 para (d); 626.845 subd 1 para (v)*

History: *10 SR 354*

6700.1200 CONSTABLES.

[For text of subps 1 to 9, see M.R. 1985]

Subp. 10. Applicability. This rule applies only to constables appointed before August 1, 1985.

Statutory Authority: *MS s 626 843 subds 1 paras (g),(k), 3 para (d), 626.845 subd 1 para (v)*

History: *10 SR 354*

NOTE Minnesota Rules, part 6700 1200' is repealed effective August 1, 1987

6700.1201 CONSTABLES.

Subpart 1. Applicability. This rule shall apply only to constables appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a constable license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, sections 367.41 and 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

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

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of constable duties.

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

D. The applicant shall successfully complete a first aid course and a firearms training course.

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E. The applicant shall pass the constable licensing examination. An applicant is eligible to take the constable licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. Documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. Notification of appointment of constable. 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 constable. 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.

Subp. 5. License application procedure. If the appointee is not already a licensed constable, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. Issuance of constable license. The executive director shall issue a constable license to an individual who has met the requirements stated in subpart 2, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of part 6700.1000, subpart 1. The appropriate licensing fee is \$7.50 if the license is valid for at least 30 months but less than 36 months; \$5 if the license is valid for at least 18 months but less than 30 months; and \$2.50 if the license is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

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 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 after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are appointed to a constable position.

Statutory Authority: *MS s 626.843 subds 1 paras (g),(k), 3 para (d); 626.845 subd 1 para (i)*

History: 10 SR 354

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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. the conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

B. the use of deadly force when not authorized by Minnesota Statutes, section 609.066;

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

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

E. 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.

Statutory Authority: *MS s 16A.128; 214.06; 214.12; 626.843 subds 1 cl (1), 3 para (d); 626.845 subd 1 cl (i); 626.86*

History: 9 SR 2701

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

[For text of subps 1 and 2, see M.R. 1985]

Subp. 3. Share for peace officers working part time. A share may be awarded when a peace officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

Subp. 4. Application forms. The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. When applying for reimbursement, a local unit shall provide a list of the peace officers or constables together with their license numbers for whom it is seeking reimbursement and affirm that it is eligible to be reimbursed in accordance with the board's rules.

Subp. 5. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 60 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

[For text of subp 6, see M.R. 1985]

Statutory Authority: *MS s 16A.128; 214.06; 214.12; 626.843 subds 1 cl (1), 3 para (d); 626.845 subd 1 cl (i); 626.86*

History: 9 SR 2701