

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

TRAINING AND LICENSING			
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6700.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the terms in this part have the meanings given them, unless another intention clearly appears.

Subp. 2. **Agency.** "Agency" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (h).

Subp. 3. **Appointing authority.** "Appointing authority" means the public official, board, commission, or other person or group of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers and part-time peace officers.

Subp. 4. **Appointment.** "Appointment" means the official declaration provided by the agency to the POST board which indicates that the agency has engaged the services of a peace officer or part-time peace officer beginning on a specified date.

Subp. 5. [Repealed, 14 SR 12]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. **Board or POST board.** "Board" or "POST board" means the Board of Peace Officer Standards and Training.

Subp. 7. **Certification.** “Certification” means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. **Chief law enforcement officer.** “Chief law enforcement officer” means the designated head and the highest ranking board-licensed peace officer within an agency.

Subp. 9. [Repealed, 14 SR 12]

Subp. 9a. **Conviction.** “Conviction” means that a person has been charged with a crime and the person was found guilty of that crime, regardless of length of or imposition or execution of any sentence received, any deferred finding of guilt or imposition of sentence by the court, any continuance for dismissal granted by the court, or any expungement of the offense records or conviction.

Subp. 10. **Coordinator.** “Coordinator” means a person who is employed full-time by a certified school, and designated by a certified school, to manage the day-to-day activities of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** “Eligible to be licensed” means the status of an individual who has passed the peace officer licensing examination or the reciprocity examination, but who has not yet secured employment as a peace officer.

Subp. 12. **Executive director.** “Executive director” means executive director of the board.

Subp. 12a. **Felony.** “Felony” means a crime punishable by more than one year in prison.

Subp. 13. [Repealed, 18 SR 1961]

Subp. 14. **First aid course.** “First aid course” means any of the following officially recognized courses: Red Cross advanced first aid, emergency medical technician, or EMS first responder (crash injury management).

Subp. 15. **Guest lecturer.** “Guest lecturer” means a person who is invited by the instructor to teach occasionally in a school or a board-approved course in continuing education.

Subp. 16. **Inactive licensed officer.** “Inactive licensed officer” means an individual who holds a currently valid peace officer license issued by the board, but who is not currently employed by an agency.

Subp. 17. **Instructor.** “Instructor” means a person who is recognized as being qualified to teach in a school or board-approved continuing education course.

Subp. 18. **Part-time peace officer.** “Part-time peace officer” has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** “Peace officer” has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** “School” means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Repealed, 18 SR 1961]

Subp. 22. **Postsecondary degree.** “Postsecondary degree” means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** “Postsecondary certificate” means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** “Certified school” means a school that has been given certification.

Subp. 25. **Classroom discrimination.** “Classroom discrimination” means an act or comment of prejudice by a faculty member, staff person, or student which relates to

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race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or sexual orientation, and that offends another.

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845*

History: *11 SR 2337; 14 SR 12; 18 SR 1961*

6700.0200 STATUTORY AUTHORITY.

The Board of Peace Officer Standards and Training, which operates pursuant to Minnesota Statutes, sections 626.84 to 626.863, is authorized to adopt rules and standards relating to the selection, training, and licensing of peace officers and part-time peace officers in Minnesota. The following rules are adopted pursuant to Minnesota Statutes, sections 214.12, 626.843, and 626.863.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961; L 1997 c 7 art 1 s 169*

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include instruction in the learning objectives approved by the board and based on the following subject areas:

- A. history and overview of the criminal justice system;
- B. Minnesota statute law;
- C. constitutional law and criminal procedure;
- D. juvenile justice system and procedure;
- E. patrol procedures;
- F. criminal investigation and testifying;
- G. human behavior and crisis intervention;
- H. defensive tactics and use of force; and
- I. cultural awareness and response to crime victims.

The organization of the curriculum and the location of delivery of curriculum components is the responsibility of the certified school's governing body.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1 and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may revise the learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1. These revisions must be incorporated into the professional peace officer education of the certified program.

Subp. 5. Participation requirements.

A. All certified schools shall develop standards for admission to the professional peace officer education courses. These standards must measure the student's likelihood of successful completion of the program.

B. No student may be admitted to the professional peace officer program who:

- (1) poses a serious threat to the health or safety of themselves or others;

or

- (2) has been convicted of any crime listed as a disqualification from appointment to the position of peace officer under part 6700.0700, subpart 1, item E.

C. If a student is denied admission or participation in the professional peace officer education program because of any of the requirements in item A or B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the program because of any of the requirements in item A or B.

D. Prior to admission to the professional peace officer education program, all students must be advised in writing of the minimum selection standards under part 6700.0700, using an advisory form developed by the board. In addition, students shall be advised in writing of the credit transfer agreements which the certified program has established with upper division institutions in Minnesota.

Subp. 6. **Certified school's responsibilities.** The certified school's responsibilities include the following:

A. The certified school shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education.

B. The certified school shall implement a records retention schedule requiring that curriculum materials used in the delivery of professional peace officer education be retained for five years. The materials must include course outlines, bibliographies, and other materials which would document the contents of the certified school's curriculum. This document applies to courses offered both on the certified school's campus and at any contracted extended sites.

C. The chief executive officer of the certified school shall, by October 1 of each year, file with the board an affirmative action plan and such other relevant information as the board may require. The affirmative action plan must include specific goals and objectives which describe measurable statements of performance for the recruitment and retention of minority students and women in the certified school's professional peace officer education program. By September 1 of each year, the chief executive officer of the certified school shall submit a written report to the board evaluating the effectiveness of the special goals and objectives included in the affirmative action plan from the previous year. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

D. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

Subp. 8. **Safety policies required.** Each certified school shall implement a formal written safety policy which incorporates specific rules, procedures, and protocols to ensure student and faculty safety as well as provide a safe, humane, and educationally sound learning environment. These policies must contain at least:

A. a process for students to identify any preexisting injuries or medical restrictions which may affect their ability to safely participate in the training;

B. a prohibition against unduly harsh training activities, or training activities which are designed to humiliate or inappropriately accentuate student shortcomings;

C. a process for written documentation of details associated with any student injury which occurs during any training course. Specific injury trends and any particularly high risk training practices or techniques shall be evaluated, amended, or eliminated if safe environments cannot be ensured;

D. guidelines to direct instructors to reduce instructional pace and intensity during heat waves, cold waves, or other adverse climatic or environmental conditions; and

E. a prohibition against depriving students of necessary food, water, or protective equipment when engaged in physical or psychomotor skills training.

Subp. 9. **Policies provided.** Students and faculty shall be provided with a copy of the written safety policy required in subpart 8. Instructors shall review this policy prior to any psychomotor skills training.

Subp. 10. **Documentation of completion.** The registrar's office of each certified school shall retain documentation on an official school transcript which indicates the manner in which the student completed the professional peace officer education courses.

Statutory Authority: *MS s 626.84 to 626.863*

History: *14 SR 12; 18 SR 1961; 25 SR 1242; 26 SR 181; 27 SR 1866*

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. All applications for certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Higher Education Services Office.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

A. Not later than one year from the granting of provisional certification, the board shall grant or deny certification. Certification shall remain contingent upon periodic review by the board or by the executive director in addition to the requirements for a renewal application every five years as provided by item C.

B. Before a certified school offers any course from the professional peace officer education program at another site not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved.

C. By May 1, 1990, and every five years after that, the board must send a renewal application form to all certified schools. This application form must request information regarding the criteria contained in subpart 1. The coordinator must file the completed application with the board by November 1 of the year the application form was received. All applications for renewal of certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Higher Education Services Office. Upon review of the properly filed application form, the board shall renew the school's certification for another five years, if the board finds that the requirements of subpart 1 have been met. If a certified school does not comply with the requirements of this subpart, the school's certification

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will be deemed to have expired and the school will be required to reapply for certification under the procedures in subparts 1 and 2.

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

Subp. 6. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8400.

Statutory Authority: *MS s 626.843; 626.845*

History: *14 SR 12; 18 SR 1961; L 1995 c 212 art 3 s 59; 26 SR 181*

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

Subp. 3. **Complaints.** Complaints which allege classroom discrimination at a certified school must be processed according to the written procedures adopted by the certified school required in subpart 1.

Statutory Authority: *MS s 626.843 subd 1; 626.845 subd 1*

History: *14 SR 12*

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. [Repealed, 14 SR 12]

Subp. 2. [Repealed, 14 SR 12]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, are eligible to take the peace officer licensing examination. An application must include an official certified transcript showing the completion of a postsecondary degree and the coordinator's signature attesting to the student's successful completion of professional peace officer education.

Subp. 4. [Repealed, 11 SR 2337]

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the peace officer licensing examination again. Upon successful completion of the examination the person is eligible to be licensed for three years.

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845*

History: *11 SR 2337; 14 SR 12; 18 SR 1961*

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 one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and 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.

Subp. 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 again demonstrating qualifications for the examination pursuant to subpart 7 and must again comply with the provisions of part 6700.0600.

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

Statutory Authority: *MS s 214.10; 214.12; 626.843 subd 1; 626.845 subd 1*

History: *11 SR 2337; 14 SR 12*

6700.0600 LICENSING EXAMINATIONS.

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 a written application 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.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

- A. peace officer licensing examination, \$105;
- B. reciprocity examination, \$105; and
- C. part-time peace officer licensing examination, \$52.50.

Subp. 3. **Retaking examinations.** An applicant who fails an examination will be allowed to retake that examination two times, upon furnishing to the board a renewed written application and appropriate fee.

Subp. 4. **Remedial examination procedures.** A third or subsequent retake of the examination will require the applicant to submit a remedial training plan to the executive director for board approval. This plan must be directed at deficiencies indicated in previous examinations and must include, at a minimum, the following:

- A. training activities to be completed;
- B. evaluation process to be used in verifying satisfactory completion of the listed activities; and
- C. date of completion of all activities.

An additional written application and appropriate fee will be required for each administration of the examination.

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after the application to take the examination was received by the board. The fee and any supporting documents are invalid at the same time the application becomes invalid. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

Statutory Authority: *MS s 14.06; 214.06; 626.843; 626.845*

History: *14 SR 12; 18 SR 1961; 22 SR 1449*

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 or revoke 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; or
- G. having been convicted of any crime listed as a disqualification from appointment to the position of peace officer under part 6700.0700, subpart 1, item E.

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 14.001 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.

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845; 626.8462 to 626.863*

History: *11 SR 2337; L 1990 c 422 s 10; 18 SR 1961; 25 SR 1242*

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may affirm that the applicant has already completed certain of these standards, but the affirmation must be documented pursuant to subpart 2.

- A. The applicant shall be a citizen of the United States.
- B. The applicant shall possess a valid Minnesota driver's license; or in case of residency therein, a valid driver's license from another state; or eligibility to obtain either license.
- C. The applicant shall complete a comprehensive written application.
- D. The applicant shall submit to a thorough background search, including searches by local, state, and federal agencies, to disclose the existence of any criminal record or conduct which would adversely affect the performance by the applicant of peace officer duties.

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E. No applicant may be appointed to the position of peace officer who has been convicted:

(1) of a felony in this state or in any other state or federal jurisdiction;
(2) of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

(3) under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325, 609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another state or federal law; or

(4) of any of the crimes listed in this item in another state or federal jurisdiction, or under a local ordinance that would be a conviction if committed in Minnesota.

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

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

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

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

Subp. 2. Documentation. The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, 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. [Repealed, 18 SR 1961]

Subp. 4. More rigid standards. An appointing authority may require an applicant to meet more rigid standards than those prescribed in this part.

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845; 626.8462 to 626.863*

History: *11 SR 2337; 14 SR 12; 18 SR 1961; 25 SR 1242; 26 SR 209*

6700.0701 NOTIFICATION OF CONVICTION.

If any background search required by this chapter reveals a conviction of a felony, or the conviction of any crime listed in this chapter, or conviction of a crime which was charged under an ordinance or law of another state 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.

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845*

History: *11 SR 2337; 18 SR 1961*

6700.0800 LICENSING OF PEACE OFFICERS.

Subpart 1. Board appointees; notification. The chief law enforcement officer shall notify the board of the appointment of any person to the position of peace officer before the first day of the appointee's employment. Notification shall be made on a

form provided by the board, and it shall include the appointee's full name, sex, date of birth, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed in part 6700.0700. The appointee may not exercise peace officer powers until the notification form is received and approved by the board.

Subp. 2. **Application procedures.** If the appointee is not already a licensed peace officer, but is eligible to be licensed, the appointee shall apply to be licensed at the time of appointment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 4.

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 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.

Subp. 4. **Licensing fee.** The licensing fee is \$90. 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.

Subp. 5. **Surrender of license certificate.** Licenses shall remain the property of the board. The license certificate and any renewal certificates shall be surrendered to the board if suspended or revoked.

Statutory Authority: *MS s 14.06; 14.22 to 14.28; 16A.128; 214.06; 626.843 626.845*

History: *8 SR 2774; 18 SR 1961; 22 SR 1449*

6700.0900 CONTINUING EDUCATION.

Subpart 1. **Purpose.** Pursuant to the authority vested in it by Minnesota Statutes, section 214.12, the board has determined that a program of continuing education for peace officers is necessary to promote and ensure their professional competence.

Subp. 2. **Continuing education and license renewal.** No peace officer license may be renewed unless the licensee or the licensee's appointing authority furnishes the board proof that the licensee has successfully completed board-approved continuing education as provided in part 6700.1000, subpart 3.

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

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board.

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

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

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

E. Instructors who teach in continuing education courses shall possess professionally recognized training and experience in the assigned subject area; and board-recognized instructor training or specialized academic preparation in the assigned subject area, including but not limited to psychology, law, and forensic pathology.

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

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

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.

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

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. **Learning objectives.** The board may issue specific learning objectives applicable to the content of continuing education courses.

Subp. 6. **Review.** All continuing education courses are subject to periodic review and evaluation by the board.

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

Subp. 8. **Record keeping.** A list of licensees who successfully complete an approved continuing education course shall be maintained by the course sponsor and a copy transmitted to the board within ten days of the close of the course. The list shall be submitted on forms provided by the board and shall include the license number of each officer. Successful completion of the course shall be determined by the course sponsor.

Subp. 9. **Instructor credit.** Peace officers may earn up to one-half of their required continuing education credits for instructing in approved continuing education courses. The peace officer may earn two hours of continuing education credit for each hour of instruction.

Subp. 10. **Credit for courses not directly approved by the board.** Peace officers may request continuing education credit for a course which was not directly approved by the board provided the course was not denied approval, the licensee can show proof that the course was law enforcement related, and can prove successful completion of the course. Application for credit must be submitted on forms provided by the board. Continuing education credit will be granted according to subpart 3, items G and H.

Continuing education credit may be granted for courses completed at accredited colleges and universities according to subpart 3, item G, and credit shall be granted with one semester credit equaling 15 continuing education credits and one quarter credit equaling ten continuing education credits.

Subp. 11. [Repealed, 9 SR 2701]

Subp. 12. [Repealed, 26 SR 181]

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

- A. the person to whom the formal complaint must be made;
- B. the process by which complaints will be investigated;
- C. the sanctions which may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

Statutory Authority: *MS s 16A.128; 214.06; 214.12; 626.843; 626.845; 626.86*

History: *9 SR 2701; 14 SR 12; 18 SR 1961; 26 SR 181*

6700.0901 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this part, the following words and phrases in this part have the meanings given.

Subp. 2. **Accreditation.** "Accreditation" means authority granted by the board to a school, agency, or association of agencies to approve courses for continuing education credit.

Subp. 3. **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. 4. **Continuing education sponsor.** "Continuing education sponsor" means a school, agency, or association of agencies which has received accreditation.

Subp. 5. **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.

Statutory Authority: *MS s 214.10; 214.12; 626.843 subd 1; 626.845 subd 1 para (i)*

History: *11 SR 2337*

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:

A. conducted a formal training needs assessment;

B. access to the necessary training facilities and equipment to carry out training activities;

- C. a continuing education coordinator with adequate support staff; and
- D. 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 who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. 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 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 beginning 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 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 14.001 to 14.69, and the rules of the Office of Administrative Hearings.

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

- A. the person to whom the complaint must be made;
- B. the process by which complaints will be investigated;
- C. the sanctions which may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;
- E. the process which will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

Statutory Authority: *MS s 214.10; 214.12; 626.843 subd 1; 626.845 subd 1*

History: *11 SR 2337; 14 SR 12; L 1990 c 422 s 10*

6700.1000 LICENSE RENEWAL.

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, or are surrendered by the licensee.

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.

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

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:

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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 officer or a 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 a part-time peace officer who has been licensed for at least 30 months.

Subp. 4. **Change of name.** When a licensee's surname is changed by reason of marriage or a judicial order, the original date of expiration of the licensee's license shall not change.

Subp. 5. **Expiration of license.** A license shall expire when the requirements of subpart 3 are not met.

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

A. the appropriate license renewal fee for an expired 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 an expired license is as follows:

A. expired peace officer license is \$125; or

B. expired part-time peace officer license is \$80.

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

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

B. the licensee submits the appropriate license renewal fee for an expired license.

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

A. the peace officer licensing examination for a peace officer; or

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

Subp. 10. **Continuing education after license is restored.** Notwithstanding any rule to the contrary, after a peace officer license has been restored, the licensee shall complete 48 hours of board-approved continuing education 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 14.06; 16A.128; 214.06; 214.12; 626.84 to 626.863*

History: *8 SR 2774; 9 SR 2701; 14 SR 12; 18 SR 1961; 20 SR 828; 22 SR 1449; 26 SR 181; 27 SR 1866*

6700.1100 [Repealed, 10 SR 354; 14 SR 12]

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.

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 affirm 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 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. The appointee shall not exercise part-time peace officer powers until the notification form is received and approved by the board.

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 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 licensing fee is \$45. 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.

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 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.

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

Statutory Authority: *MS s 14.06; 214.06; 214.10; 214.12; 626.843; 626.845*

History: *10 SR 354; 11 SR 2337; 18 SR 1961; 22 SR 1449; 26 SR 181*

6700.1105 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 6700.1105 to 6700.1130, the terms in this part have the meanings given them.

Subp. 2. **Active duty status.** "Active duty status" means the part-time peace officer is authorized by agency policy to act as an agent of the appointing authority with power of arrest and authority to carry a firearm.

Subp. 3. **Designated peace officer.** "Designated peace officer" means the peace officer appointed by the chief law enforcement officer or designee and responsible for the supervision of the part-time peace officer.

Subp. 4. **Hours worked.** "Hours worked" means the actual numbers of hours served while the part-time peace officer is on active duty status.

Subp. 5. **Supervision of part-time peace officer.** "Supervision of part-time peace officer" means the part-time peace officer and the designated peace officer are aware of their respective identities, the part-time peace officer has the ability to directly contact the designated peace officer, and the part-time or designated peace officer can achieve direct personal contact within a reasonable time.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

6700.1110 SUPERVISION OF PART-TIME PEACE OFFICER.

Subpart 1. **Scope.** This part applies to all agencies which appoint, employ, or otherwise use the services of a part-time peace officer.

Subp. 2. **Agency using part-time peace officer.** An agency which appoints, employs, or otherwise uses the services of a part-time peace officer shall establish a written policy including at least:

A. the terms and conditions under which a part-time peace officer is considered to be on active duty status;

B. the means by which a part-time peace officer is made aware of the identity and location of the designated peace officer, and the means by which a part-time peace officer must notify the designated peace officer of the part-time peace officer's active duty status;

C. the means by which supervision of the part-time peace officer must be provided; and

D. the means by which a part-time peace officer shall notify the designated peace officer when the part-time peace officer is no longer on active duty status.

Subp. 3. **Agency providing supervision for part-time peace officer.** An agency which designates a peace officer to supervise a part-time peace officer shall establish a written policy including at least:

A. how the designated peace officer is to be notified of the designated peace officer's responsibility for assuming supervision of a part-time peace officer;

B. the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer;

C. the means by which the part-time peace officer is to notify the designated peace officer that the part-time peace officer is on active duty status; and

D. the means by which the designated peace officer is to be notified when the part-time peace officer is no longer on active duty status.

Subp. 4. **Supervision of part-time peace officer by designated peace officer in different agency.** An agency which agrees to designate a peace officer for the supervision of a part-time peace officer who is not employed by the same agency as the designated peace officer shall establish at a minimum:

A. all policies required under part 6700.1105, subpart 2;

B. all policies required under part 6700.1110; and

C. a written joint powers agreement which confers upon the designated peace officer full power and authority within the jurisdiction of the part-time peace officer to be supervised.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

6700.1115 HOURS WORKED BY PART-TIME PEACE OFFICER.

Subpart 1. **Limitation.** A part-time peace officer must not work more than 1,040 hours on active duty status during the calendar year.

Subp. 2. **Documentation.** A part-time peace officer shall record all active duty hours worked, on a form provided by the board, for each agency by whom the part-time peace officer is appointed. The part-time peace officer shall record the date, time, and total hours of active duty. The part-time peace officer shall also record the name of the agency for whom the hours were worked, and the name of the designated peace officer assigned for each shift or time entry on the log.

Subp. 3. **Reporting.** On the last day of every month, the part-time peace officer shall provide the chief law enforcement officer of each agency by whom the part-time peace officer is employed written notice of the total number of hours worked for all agencies. The notice shall be provided on a form provided by the board.

Subp. 4. **Record retention.** The part-time peace officer shall keep and maintain copies of active duty reporting forms for five years and shall make the forms available to the board upon request.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

6700.1120 [Repealed, 26 SR 181]

6700.1125 POLICY DISTRIBUTION.

Copies of policies required under parts 6700.1105 to 6700.1130 must be provided to all part-time peace officers before they are authorized to exercise part-time peace officer authority on behalf of a unit of government. Copies of these policies shall also be distributed to all designated peace officers.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

6700.1130 TERMINATION OF PART-TIME PEACE OFFICERS.

An agency which terminates a part-time peace officer for any reason shall notify the part-time peace officer in writing of the termination and provide a copy of this notice to the board within ten days of the termination.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961*

6700.1200 [Repealed, 10 SR 354; 14 SR 12]

6700.1201 [Repealed, 14 SR 12]

6700.1300 TRANSITION FROM PART-TIME PEACE OFFICER TO PEACE OFFICER.

Subpart 1. **Purpose.** To meet the mandates of Laws of Minnesota 1981, chapter 310, the board is hereby promulgating rules to provide a system whereby part-time peace officers may, upon fulfilling certain conditions and requirements, obtain peace officer licenses.

Subp. 2. **Eligibility.** An appointing authority may, by formal declaration to the board, state its intention to have any part-time peace officer in its employ be eligible for peace officer licensing, subject to the following restrictions:

A. the individual named in this declaration must be a part-time peace officer who has worked 1,040 hours as a part-time peace officer since the date the individual was licensed, pursuant to part 6700.1101;

B. the individual shall complete all selection standards as outlined in part 6700.0700 before the declaration is submitted to the board; and

C. the individual named in the declaration must provide documentation which establishes that the individual is currently enrolled in a professional peace officer education program.

Subp. 3. **Declaration of intent.** The declaration of intent shall demonstrate a compelling need for having an agency's part-time peace officer or officers become peace officers. To demonstrate compelling need, the appointing authority must establish that no other peace officer or part-time peace officer is employed by the appointing authority due to circumstances beyond the control of the appointing authority. The declaration must be in the form of a formal resolution made by the appointing authority. The board shall be provided with a copy of the resolution and the minutes of the meeting at which it was made. These documents shall be submitted to the board within ten days of the effective date of the resolution.

Subp. 4. **Removal of hour restriction.** The 20-hour per week limit prescribed by Minnesota Statutes, section 626.84, subdivision 1, clause (f), for a part-time peace officer will be waived in accordance with Minnesota Statutes, section 626.84, subdivision 1, clause (f), only after the board has formally approved the declaration submitted by the appointing authority. The 20-hour per week restriction may thereafter be waived at the discretion of the appointing authority for a period not to exceed six months. This six-month limit may be extended only for compelling reasons, subject to board review and approval. No individual may have the hour restriction removed a second time if the individual fails to obtain a peace officer license within six months from the date the board approved the agency's declaration of intent to have the individual become a

peace officer. Waiver of the hour restriction may only be effected in a single agency in cases where the officer works for more than one department. An individual working for more than one agency whose hourly restriction has been waived in one of these agencies shall still be bound to the 20-hour a week limit in all other agencies for which the individual works. Upon acceptance by the board, the officer is exempted from the limitation on the number of hours that may be worked. The officer is subject to all other part-time peace officer requirements as outlined in Minnesota Statutes, sections 626.8464 and 626.8465.

Subp. 5. [Repealed, 18 SR 1961]

Subp. 6. [Repealed, 18 SR 1961]

Subp. 7. [Repealed, 18 SR 1961]

Subp. 8. **Eligibility for licensing.** A part-time peace officer who completes the requirements of parts 6700.0300, subpart 1, and 6700.0500, subpart 3, is eligible to be licensed as a peace officer.

Statutory Authority: *MS s 626.843*

History: *18 SR 1961; 20 SR 828*

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

Subpart 1. **Notification of terminations.** The chief law enforcement officer shall notify the board within ten days of all voluntary and involuntary terminations of peace officers. The notification shall include name of licensee, licensee's forwarding address unless licensee requests that this information not be divulged, and date of termination.

Subp. 2. **Inactive status.** An individual possessing a peace officer license may maintain the license in an inactive status, provided the individual meets the requirements of part 6700.1000, subpart 3.

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 the 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.

Subp. 4. **Inactive license.** An individual who possesses an inactive peace officer license has no peace officer power or authority.

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845*

History: *11 SR 2337; 17 SR 1279; 18 SR 1961*

6700.1500 STANDARDS OF CONDUCT FOR LICENSEES.

Subpart 1. **Statutory authority.** This part is adopted pursuant to Minnesota Statutes, section 626.843, subdivision 1, clause (e); section 626.845, subdivision 1, clause (i); and chapter 214.

Subp. 2. **Scope.** Nothing in parts 6700.0100 to 6700.1900 shall preclude or prevent any agency, political subdivision, civil service commission, or other appointing authority from publishing and enforcing rules, policies, or procedures which are more comprehensive than those minimum statewide standards set forth hereinafter. The responsibility for enforcing any rules, policies, or procedures which are more comprehensive than the following minimum standards of conduct remains with the promulgating agency, political subdivision, commission, or appointing authority.

Subp. 3. **Purpose.** The board believes that in order for the public to have confidence in the integrity and ability of law enforcement, it is paramount that peace

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

Statutory Authority: *MS s 626.843*

6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

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

A. engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter, Minnesota Statutes, chapter 214, or sections 626.84 to 626.90, or engaging in conduct which violates any statute enforced by the board;

B. obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;

C. being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;

D. having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;

E. failing to report the revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary or adverse action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;

F. being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under Minnesota Statutes, section 152.18, or any similar law of another state or federal law;

G. being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, mentally incompetent, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality;

H. violating any order issued by the board;

I. practicing outside the scope of Minnesota Statutes, section 626.863;

J. making an intentional false statement or misrepresentation to the board;

K. engaging in sexual penetration or contact without consent, as defined in Minnesota Statutes, section 609.341, or engaging in conduct that violates Minnesota Statutes, section 617.23. Sexual contact does not include contact that is part of standard police procedure such as search and arrest;

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; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;

M. failing to cooperate with an investigation of the board as required by part 6700.1610, subpart 4;

N. engaging in sexual harassment, as defined by Minnesota Statutes, section 363A.03, subdivision 43;

O. using deadly force when not authorized by Minnesota Statutes, section 609.066; or

P. being convicted of solicitation, inducement, or promotion of prostitution in violation of Minnesota Statutes, section 609.322, or any conviction under Minnesota

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Statutes, section 609.324, or being convicted of similar offenses in another state or federal jurisdiction.

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845*

History: *9 SR 2701; 11 SR 2337; 18 SR 1961; 20 SR 828*

6700.1610 REPORTING OBLIGATIONS AND COOPERATION.

Subpart 1. **Reporting conduct violation.** A person with knowledge of conduct constituting grounds for action under Minnesota Statutes, chapter 214, or the board's regulatory provisions in part 6700.1600 may report the violation to the board.

Subp. 2. **Licensee reporting requirement.** A licensee shall report to the board and chief law enforcement officer any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board's regulatory provisions.

Subp. 3. **Report submittal requirement.** Reports required by this part must be submitted no later than 90 days after learning of the reportable event.

Subp. 4. **Cooperation by licensee.** A licensee who is the subject of an investigation, or who is questioned in connection with an investigation, shall cooperate fully with the investigation. Cooperating includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation, providing copies of records in the licensee's possession relating to matters under investigation, assisting the board in its investigation which includes executing releases for records as requested by the board, and appearing at conferences or hearings scheduled by the board.

Statutory Authority: *MS s 626.843*

History: *20 SR 828*

6700.1700 COMPLAINT PROCEDURES.

Subpart 1. **Definition.** For the purpose of this part, "affected parties" means the complainant, the licensee who is subject to the complaint, and the chief law enforcement officer in the agency employing the officer who is a party to the complaint.

Subp. 2. [Repealed, 26 SR 181]

Subp. 3. **Complaint committee membership.** The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint. At least two of these members shall be peace officers. The board chair shall appoint the complaint investigation committee and the chair.

Subp. 4. **Complaint committee quorum.** All three committee members must be present to act, and decisions of the committee shall be by majority vote.

Subp. 5. [Repealed, 26 SR 181]

Subp. 6. [Repealed, 26 SR 181]

Subp. 7. [Repealed, 26 SR 181]

Subp. 8. [Repealed, 26 SR 181]

Subp. 9. [Repealed, 26 SR 181]

Subp. 10. [Repealed, 26 SR 181]

Subp. 11. [Repealed, 26 SR 181]

Statutory Authority: *MS s 626.843*

History: *L 1984 c 640 s 32; 17 SR 1279; 20 SR 828; 26 SR 181*

6700.1710 DISCIPLINARY ACTIONS FOR VIOLATIONS OF ADMINISTRATIVE RULES.

Subpart 1. **Temporary restraining order.** In addition to any other remedy provided by law, the board may, acting through the complaint investigation committee and without a hearing, petition a district court for a temporary restraining order if the

committee finds that the licensee has violated a rule that the board is empowered to enforce and continued practice by the licensee would create an imminent risk or harm to others.

Subp. 2. **Grounds.** When grounds exist under any of the provisions set forth in this chapter, the board may take one or more of the following disciplinary actions:

- A. deny an application for a license;
- B. revoke the license;
- C. suspend the license;
- D. impose limitations on the licensee's ability to practice;
- E. impose conditions on the licensee; or
- F. censure or reprimand the licensee.

Subp. 3. **Settlement agreement.** When grounds exist under the board's regulatory provisions, the executive director may enter into a settlement agreement with the regulated licensee for corrective action which may include requiring the regulated person:

- A. to complete an educational course or activity;
- B. to submit to the executive director a written protocol or reports designed to prevent future violations of the same kind;
- C. to meet with the executive director or designee to discuss prevention of future violations;
- D. to reimburse the board for its legal and investigative costs; and
- E. to perform other action justified by the facts.

The listing of these measures in this subpart does not preclude the board from including the measure in any order for disciplinary action.

Subp. 4. **Reinstatement fee.** Upon reinstating a license or granting an applicant's license, the board may, at its discretion, impose a reinstatement fee.

Subp. 5. **Cease and desist order.** The board may in its own name, acting through the complaint investigation committee, issue a cease and desist order to stop an unlicensed person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under Minnesota Statutes, sections 14.57 to 14.62. The order shall be effective upon personal service or three days after mailing if served by mail. The board may also, in its own name, seek a temporary restraining order from the appropriate district court to stop an unlicensed person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce.

Statutory Authority: *MS s 626.843*

History: *20 SR 828*

6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT.

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

Subp. 2. **Equal shares of funds.** Equal shares of the available funds shall be disbursed to the local units for each peace officer who:

- A. has been employed by the same local unit during at least eight of the 12 months immediately preceding the local unit's application for reimbursement; and
- B. has had at least 16 hours of board-approved continuing education made available to the peace officer by the local unit during those 12 months.

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 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 the chief law enforcement officer. The forms shall be submitted to the executive director within 30 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

Subp. 6. **Further information.** The executive director may require such further information or documentation as may be necessary to substantiate a correction in the number of shares to be credited to an applicant for reimbursement. If the same peace officer is claimed by more than one applicant, the executive director shall determine which applicant is eligible for the share. This determination shall be made by documented statements of hours worked. Reimbursement funds shall be disbursed to the county, municipal, or township treasurer as soon as possible after approval of the applications and computation of the amount per share to be awarded to each applicant.

Statutory Authority: *MS s 16A.128; 214.06; 214.12; 626.843; 626.845; 626.86*

History: *9 SR 2701; 18 SR 1961*

6700.1900 [Repealed, 26 SR 181]

INVESTIGATION AND RESOLUTION OF MISCONDUCT ALLEGATIONS

6700.2000 DEFINITIONS.

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

Subp. 2. **Data.** "Data" means personnel data as defined in Minnesota Statutes, section 13.43, subdivision 1, which is public if it falls within the categories listed in subdivision 2 of that statute.

Subp. 3. **Misconduct.** "Misconduct" means an act or omission by an employee or appointee of an agency licensed by the board which may result in disciplinary action by the agency or appointing authority.

Statutory Authority: *MS s 626.843 subs 1,3 para (d); 626.845 subd 1*

History: *8 SR 2145*

6700.2100 SCOPE.

The board recognizes the importance of the need for each agency and appointing authority to have and to use written procedures for the investigation and resolution of allegations of misconduct. The agency and appointing authority have the responsibility to impose the disciplinary sanctions they find appropriate for misconduct that occurs. Nothing in parts 6700.2000 to 6700.2600 shall be interpreted or is intended to authorize the board to approve, deny, or modify in any manner sanctions which may or may not be imposed by the agency or appointing authority.

Statutory Authority: *MS s 626.843 subs 1,3 para (d); 626.845 subd 1*

History: *8 SR 2145*

6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES.

On or before October 1, 1984, the chief law enforcement officer shall establish written procedures for the investigation and resolution of allegations of misconduct

against licensees employed or appointed by the chief's agency. These procedures shall minimally specify:

- A. the misconduct which may result in disciplinary action;
- B. the process by which complaints will be investigated;
- C. the sanctions which may be imposed if a complaint is sustained;
- D. the appeal process for the licensee;
- E. the process which will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

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

History: *8 SR 2145; 17 SR 1279*

6700.2300 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer shall affirm to the board compliance with part 6700.2200 no later than October 15, 1984. If an agency begins operation after October 1, 1984, the chief law enforcement officer shall affirm to the board compliance with part 6700.2200 no later than 15 days after the agency begins operation.

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

History: *8 SR 2145*

6700.2400 COPIES OF PROCEDURES.

Copies of current written procedures governing allegations of misconduct shall be available to the public on request. Copies of written procedures governing allegations of misconduct and any subsequent modifications of the procedures shall be distributed by an agency to licensees who are employed or appointed by the agency.

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

History: *8 SR 2145*

6700.2500 DOCUMENTATION OF COMPLAINTS.

The chief law enforcement officer or designee or designees shall maintain data concerning misconduct by licensees employed or appointed by the agency according to the provisions of Minnesota Statutes, sections 15.17 and 15.171. The board may request copies of this data. The chief law enforcement officer shall supply the data and an affidavit of compliance with part 6700.2200, item B to the board within five days of the request, excluding Saturdays, Sundays, and legal holidays. If compliance is not possible within that time, the chief law enforcement officer shall inform the board and shall have an additional five days to comply with the request, excluding Saturdays, Sundays, and legal holidays.

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

History: *8 SR 2145; 17 SR 1279*

6700.2600 PROCESSING OF COMPLAINTS.

Complaints which allege misconduct by a licensee shall be processed according to the agency's written procedures. Failure to comply with these procedures or any other provisions of parts 6700.2000 to 6700.2500 shall be grounds for disciplinary action against the chief law enforcement officer's license.

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

History: *8 SR 2145*

POLICE PURSUITS

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

Statutory Authority: *MS s 626.843 subd 1; 626.845 subd 1*

History: *14 SR 12*

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

Statutory Authority: *MS s 626.843 subd 1; 626.845 subd 1*

History: *14 SR 12*

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

Statutory Authority: *MS s 626.843 subd 1; 626.845 subd 1*

History: *14 SR 12*

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

Statutory Authority: *MS s 626.843 subd 1; 626.845 subd 1*

History: *14 SR 12*

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

Statutory Authority: *MS s 626.843 subd 1; 626.845 subd 1*

History: *14 SR 12*