



# Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200, Saint Paul, MN 55104

Main: (651) 643-3060 | [www.mn.gov/post/](http://www.mn.gov/post/)

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## **Advisory Rules Committee Meeting** **Wednesday, January 29, 2025** **1:00 p.m.**

*This meeting will be held at the MN POST Board, 1600 University Ave, Ste 200, St. Paul, MN 55104*

1. Approval of the Minutes from 1/8/25
2. Report to the POST Board- Rules of Discord
3. Update on 0501
4. Announcement- Cancellation of February 5, 2025 meeting
5. Adjournment



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## Advisory Rules Committee Meeting Minutes

January 8, 2025

1:00 p.m.

*This was a hybrid meeting held at the POST Board office*

### Members Present:

Adam Meierding  
(Alt for Dawanna Witt) - Daniel Kurtz  
Elliot Butay  
Gae Davis  
James Densley  
Michelle Gross  
Neil Bauer  
Rick Hodsdon  
Tracy Stille  
Tom Draper  
Vincent Scheckel

### Staff Present:

Alicia Popowski  
Rob Skoro  
Shari Bartness

### Members Absent:

Pat Nelson

Ms. Popowski began the meeting on January 8, 2025 at 1:02 p.m.

1. Approval of Minutes from December 19, 2024: The Committee accepted the minutes as drafted.
2. 0100: The Committee reached consensus of the final draft of 6700.0100.

### **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. **Law enforcement agency or Agency.** "Law enforcement agency or Agency" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (f).

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 [Repealed, 14 SR 12]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. 5b. **Peace officer licensing curriculum.** "Peace officer licensing curriculum" means the curriculum developed and maintained by the board that is delivered by a certified organization and is required for licensure.

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

Subp. 7. **Certified organization Certification.** "Certified organization Certification" means an entity that has been certified by the board to deliver the peace officer licensing curriculum and meets the requirements described in part 6700.0300 to 6700.0401. ~~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 a law enforcement 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, whether the adjudication of guilt is withheld or not entered, 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. **Program director or director Coordinator.** "Program director or director Coordinator" means a person who is appointed and employed full-time by a certified school, organization and designated by a certified school, approved by the Board to manage the day-to-day activities of the ~~professional peace officer education program~~ peace officer licensing curriculum.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the a 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~~ as defined in Minnesota Statute, section 609.02, subdivision 2.

Subp. 13. [Repealed, 18 SR 1961]

Subp. 14. [Repealed, L 2005 c 10 art 1 s 82]

Subp. 15. **Guest lecturer.** "Guest lecturer" means a person who is invited by the instructor to teach occasionally in a ~~school~~ peace officer licensing curriculum or a board-approved ~~course in~~ continuing education

course.

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~~ a law enforcement agency.

Subp. 17. **Instructor.** "Instructor" means a person who is recognized as being qualified to teach ~~in a school~~ the peace officer licensing curriculum according to part 6700.0300 or a 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, paragraph (d).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (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~~ a federally recognized accrediting association or recognized as meeting accreditation by the National Association of Credential Evaluation Services (NACES).

Subp. 21. [Repealed, 18 SR 1961]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means ~~an academic degree awarded by a school~~ an academic degree awarded by a school. The school or post-secondary institution must be authorized to award degree.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means ~~an nonacademic title~~ credential 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 to deliver the peace officer licensing curriculum.

Subp. 25. **Classroom discrimination.** "Classroom discrimination" means oral, written, graphic, or physical conduct directed against any person or group of persons because of their race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, disability, or veteran's status that has the purpose or reasonably foreseeable effect of demeaning or intimidating that person or group of persons.

Subp. 26. **Discriminatory conduct.** "Discriminatory conduct" means a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the actor's perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, or public assistance or any other protected class as defined in Minnesota statutes or federal law; and would lead an objectively reasonable person to doubt the actor's ability to perform the duties of a peace officer in a fair and impartial manner. Membership in a religious organization as a lawful exercise of the freedom of religion is not discriminatory conduct.

Subp. 27. **Seasonal position.** "Seasonal position" means a position which is necessary due to recurring seasonal fluctuations in staffing needs and does not exceed 16 consecutive weeks in duration.

Subp. 28. **Temporary position.** "Temporary position" means a short term of employment that may not exceed 300 hours with a designated end date of six months or less.

Subp. 29. **Hate or extremist group.** "Hate or extremist group" means a group that, as demonstrated by its official statements or principles, the statements of its leaders or members, or its activities:

A. promotes the use of threats, force, violence, or criminal activity:

(1) against a local, state, or federal entity, or the officials of such an entity;

(2) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota or United States Constitution; or

(3) to achieve goals that are political, religious, discriminatory, or ideological in nature;

B. promotes seditious activities; or

C. advocates for differences in the right to vote, speak, assemble, travel, or maintain citizenship based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance status, or any protected class as defined in Minnesota statutes or federal law.

3. **2500:** The Committee reached consensus of the final draft 6700.2500.

#### **6700.2500 DOCUMENTATION OF COMPLAINTS.**

The chief law enforcement officer ~~or designee or designees~~ shall maintain data concerning alleged 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 ~~in and an affidavit of compliance with part 6700.2200, item B~~ to the board within five days of the request, or by the date specified in the Board's request, of the request, whichever is longer, 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.

4. **2100:** The Committee reached consensus to redact 6700.2100.

#### **6700.2100 SCOPE.**

**Redact**

~~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.~~

5. **2200:** The Committee reached consensus of the final draft of 6700.2200.

#### **6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES.**

~~On or before October 1, 1984, the~~ The board recognizes the need for each agency and appointing authority to have and to use published procedures for the investigation and resolution of allegations of misconduct. 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~~ law enforcement 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.

The procedures established according to this part must comply with model policies and Minnesota Statute, section 626.845, subdivision 1. Copies of current procedures governing allegations of misconduct shall be available to the public on request. Copies of published 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.

6. **2300:** The Committee reached consensus to redact 6700.2300.

**~~6700.2300 AFFIRMATION OF COMPLIANCE.~~ Redact**

~~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.~~

7. **2400:** The Committee reached consensus to redact 6700.2400.

**~~6700.2400 COPIES OF PROCEDURES.~~ Redact**

~~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.~~

8. **Adjournment:** Meeting adjourned at 1:55 p.m.

# ADVISORY RULES COMMITTEE

## REPORT TO THE BOARD

### REVISOR NUMBER 4750

#### MEMBERS

Neil Bauer  
Elliot Butay  
Gae Davis  
James Densley  
Tom Draper  
Michelle Gross  
Rick Hodsdon  
Adam Meierding  
Pat Nelson  
Vince Scheckel  
Tracy Stille  
Dawanna Witt  
(alt. Dan Kurtz)

#### MEETINGS

February 2, 2024  
February 29, 2024  
March 6, 2024  
March 21, 2024  
May 2, 2024  
May 23, 2024  
June 14, 2024  
July 3, 2024  
July 12, 2024  
October 23, 2024  
November 13, 2024  
December 4, 2024  
December 19, 2024  
January 8, 2025  
January 29, 2025

#### BACKGROUND

On January 22, 2024, the Board's subcommittee on rules appointed 12 individuals to serve on the Advisory Rules Committee for the R4750 rulemaking project regarding peace officer pre-service training. When the advisory committee completed their work on the relevant rule parts, the suggested revisions were presented to the Rules Committee, and ultimately, the full Board for review. The advisory committee reached consensus on all proposed rule parts except for those listed in this report.

The advisory committee understands the Board has the authority to make all final decisions regarding the proposed rules.

#### RULES OF DISCORD

##### 6700.0300 & 6700.0400

Advisory Rules Committee members lacked consensus on several rule parts within 0300 and 0400. The discord was due to differing opinions over broader themes that repeat throughout the rules. Rather than discussing each individual rule part for which consensus was not reached, this report will present the areas of discord in broader terms. The reader should consider any part of the rule related to these broader concepts as an area in which consensus was not reached by the committee.

**Theme 1: Certified organizations must teach the curriculum in the form and method designed by the Board. (6700.0300 subp. 1)**

**Majority Members:** Dwanna Witt (Dan Kurtz), Michelle Gross, Neil Bauer, Tracy Stille, Adam Meierding, Elliot Butay

The majority members support the proposed rule and believe it will increase the quality of law enforcement training and increase the number

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of law enforcement applicants within the State of Minnesota. Majority members also believe the proposed rule will increase student accessibility,

*Quality of law enforcement education.* Currently, the quality of training received by law enforcement hopefuls is dependent upon where they attend PPOE and/or skills. The learning objectives are not being delivered in a consistent manner or method across the schools, meaning more direction is needed. The lack of consistency, in turn, places an additional burden on law enforcement agencies as they are forced to “re-train” new hires. Majority members argue a set curriculum will standardize preservice training, which is in the best interest of program participant, agencies, and the public. The majority feels its argument is substantiated by the findings published by IADLEST in its 2020 audit of the POST Board. The audit stated that, “Even with consistent learning objectives, course content can vary greatly, as personally observed by members of the audit team. This means that it is possible (and likely) that peace officers who graduate from different schools have nuanced differences in their training and knowledge” (IADLEST, 2020, p. 13). The majority believes a set curriculum will enhance the quality of training received by program participants as on central entity (the Board) will be responsible for reviewing, editing, and updating content on a regular basis.

*Student accessibility.* The majority believes the proposed rule will increase the number of law enforcement applicants because it creates additional opportunities for agencies to support candidates by providing a paid salary and benefits while an individual attends the program. The proposed rule also allows for individuals to put themselves through the program (self-sponsor) as students do now. The difference being the proposed rule officers one single path to licensure making the system less complex. Majority members point out that the proposed rule and curriculum would be analogous to running the ICPOET program statewide. The rule also does not preclude the formation of co-ops, or the possibility of the curriculum being run part time by certified organizations so long as it is consistent with the manner and method designed by the Board- which is yet to be determined.

*Financial obligations.* Majority members agree that the proposed rule will have different financial impacts for various schools and law

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enforcement agencies. However, like any other educational or training program, the decision to offer the peace officer licensing curriculum is a business decision. For some agencies and schools, it may not be financially practical or responsible to deliver the peace officer licensing curriculum, but that is a result of the market. The POST Board's statutory obligation is to ensure law enforcement are receiving the proper and necessary training needed to carry out their job-related duties and functions- the board has no obligation to equalize the market.

*Academic freedom.* Majority members do not believe a set curriculum by the Board infringers upon academic freedom. Law enforcement training is not like a degree program because the legislature granted the POST Board the authority to oversee matters related to law enforcement training. The degree programs would still belong to the schools and the Board would not interfere with those programs. When it comes to union matters, the majority believe those concerns are between faculty and Minn State. It is not lost on the majority that union contracts and hours may need to be modified, but it will be the choice of Minn State and the individual faculty members if they wish to 1) make those adjustments and 2) deliver the Board's curriculum.

**Concurring Member:** Rick Hodsdon

The concurring member agreed with utilizing a set curriculum for preservice training but disagreed with 6700.0300 subpart 1 where it states a certified organization wishing to add to the curriculum must get approval from the board before doing so. The concurring member argued certified organizations should be allowed to enhance the curriculum as they see fit, and that the curriculum should set the minimum standard of training rather than being the standard itself.

**Dissenting Members:** Vince Scheckel, James Densely, Gae Davis, Pat Nelson, Tom Draper

Dissenting members are against certified organizations teaching a set curriculum in the form and method prescribed by the board. Dissenting members argue that a set curriculum will limit student accessibility, reduce the quality of law enforcement education, generate additional financial obligations, and impact academic freedom. Dissenting members also argue the proposed changes are beyond the scope of the Board's

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authority and that a set curriculum diminishes that hard work that went into developing the current learning objectives by PPOE staff and law enforcement.

*Student accessibility.* Dissenting members are concerned that a set curriculum by the board will lack the flexibility necessary to accommodate the needs of program participants. For example, some individuals are not able to quit their full-time job with benefits to attend school, therefore, those individuals will not be able to accommodate attending a full-time law enforcement training program. This in turn will reduce the number of individuals able to attend law enforcement training. This proposed change may also reduce the number of schools offering PPOE, therefore, there would be fewer geographical locations offering law enforcement training, thereby reducing student accessibility. Dissenting members are also concerned about student financial aid. If a school decides not to assign a credit value to the peace officer licensing curriculum, students will not be able to receive financial aid to put themselves through the program.

*Quality of law enforcement education.* Dissenting members do not believe the board's curriculum will offer the same quality of education as programs run and created by Minn State based on the Board's learning objectives. Some members of the dissenting group do not believe the board understands what it takes to or how complex the process can be to develop a hardy curriculum. Dissenting members believe that allowing agencies to deliver the peace officer licensing curriculum will reduce the quality of education law enforcement professionals receive. The dissenting members also expressed concerns over agencies manipulating the curriculum to fast-track new hires onto the street.

*Financial obligations.* Dissenting members expressed concerns over rural agencies covering the operational costs of delivering the peace officer licensing curriculum. Dissenting members are also concerned about the cost schools that do not currently officer skills will have to take on to deliver the new program- which incorporates skills components.

*Academic freedom.* Dissenting members argue a set curriculum infringes upon their academic freedom and may impact their union contracts.

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**Theme 2:** Law enforcement agencies can become certified organizations to offer the licensing curriculum. (6700.0400 subp. 1 and 6700.0100 TBA).

**Majority Members:** Dwanna Witt (Dan Kurtz), Michelle Gross, Neil Bauer, Tracy Stille, Adam Meierding, Elliot Butay, Rick Hodsdon

Conforming members argue law enforcement agencies should be allowed to offer the preservice training program and curriculum. According to the drafted rule, law enforcement agencies would have to go through the same certification process and conform to the same regulations and rules as schools, which includes adhering to the set curriculum created by the board. Like schools, if a law enforcement organization is unable or unwilling to follow the rules and guidelines that go hand in hand with delivering the preservice training program, the board has the authority to deny an agency's (re)certification application or to revoke the agency's certification after they have been found deficient or in violation of the rules.

**Dissenting Members:** Vince Scheckel, James Densley, Gae Davis, Pat Nelson, Tom Draper

Dissenting members believe allowing agencies to become certified to deliver the preservice training program is a step backwards in the mission of professionalizing law enforcement. Dissenting members believe preservice training programs should be delivered by schools alone and are concerned agencies will turn preservice training into an extension of field training to get officers on the road faster.

## SUMMARY

Advisory Rules Committee members lacked consensus on several proposed rule parts within 0300 and 0400. The discord was a result of differing opinions over broader themes that occur throughout the rules. Specifically, members lacked consensus on the use of a set curriculum developed by the board and law enforcement agencies being eligible for certification to deliver the curriculum. Any rule parts related to these broader themes should be considered a point of contention within the proposed rules.

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