



Board of Peace Officer Standards and Training

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

(651) 643-3060 | www.mn.gov/post

Board Meeting Agenda

Thursday, January 22, 2026, at 10:00 a.m.

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

1. Call to Order.
2. Approval of the Agenda **ACTION**
3. Approval of Minutes from 10/23/25 Meeting **ACTION**
4. Variance: Alfallani **ACTION**
5. Variance: Elsayed **ACTION**
6. Variance: Burgoyne **ACTION**
7. Variance: Sandifer **ACTION**
8. Variance: Schwab **ACTION**
9. Variance: Nunez **ACTION**
10. Request to Board from Two PPOE Schools to Add Sites to Their PPOE Programs
 - a. Riverland CC – Rich Watkins **PRESENTATION/ACTION**
 - b. Inver Hills CC – Leslie Palmer **PRESENTATION/ACTION**
11. PPOE Renewal Board Approval **ACTION**
12. Pursuit Model Policy **ACTION**
13. Rule 6700.0100 **ACTION**
14. Rule 6700.0300 **ACTION**
15. Rule 6700.0400 **ACTION**
16. Rule 6700.0401 **ACTION**
17. Rules 6700.0500 & 6700.0600 **ACTION**
18. Resolution: Second Request for Comments **ACTION**
19. Summary License Suspension Legislation **DISCUSSION**
20. Proposed New Rule: Cooperation with Investigations – PSAC Member
DISCUSSION/ACTION
21. Executive Director's Report
22. Licensure Matters (closed to public)

AN EQUAL OPPORTUNITY EMPLOYER

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23. Licensure Hearing – Telkamp

24. Deliberations (closed to public)

25. Licensure Hearing – Vetsouvanh

26. Deliberations (closed to public)

27. Adjournment.



Board of Peace Officer Standards and Training

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BOARD MEETING MINUTES

Thursday, October 23,
2025, 10:00 a.m.

This meeting was held at the MN POST Board office.

Members Present	Members Absent	Staff Present	Others Present
Luke Hennen- Chair		Erik Misselt	Chris Kaisershot, A.G. Office
Scott Kent		Schyler Beaty	David Cullen, A.G. Office
Jennifer Foster		Alicia Popowski	Nikki Engel
Kelly Phillips		Sidney Bergum	Bailey Hovland
Andrew Evans		Rob Skoro	
Troy Wolbersen		Katie Cederstrom	
Bobbi Holtberg		Angie Rohow	
Jim Yang			
Michael Ceynowa			
Cassandra Bautista			
Stephanie Burrage			
Shelly Schaefer			
Tad Farrell			
Tanya Gladney			
Nigel Perrote			

1. **Call to order:** Chair Hennen called the meeting to order on October 23, 2025, at 10:02 am.
2. **Approval of the Agenda:** Chair Hennen asked for a motion to approve the agenda.
 - **MOTION:** Andrew Evans moved the motion to approve the agenda. Jim Yang seconded the motion. The motion carried via unanimous voice vote.
3. **Approval of the Board meeting minutes from August 28, 2025:** Chair Hennen asked for a motion to approve the 8/28/25 minutes.
 - **MOTION:** Scott Kent moved the motion to approve the minutes. Jennifer Foster seconded the motion. The motion carried via unanimous voice vote.
4. **Violence Free Minnesota: Nikki Engel:** Bailey Hovland and Nikki Engel presented on behalf of Standpoint and Violence Free Minnesota, respectively. They brought to the Board a concern regarding the legal enforcement of the parental rights of unwed mothers, specifically a deprivation thereof, during custodial disputes while in communication with law enforcement. They explained it is common for Law Enforcement Agencies to recommend to unwed mothers that they seek a child custody agreement, when in truth, the unwed mothers already have sole legal and physical custody per statute- thus making legal action inapt. Ms. Engel and Ms. Hovland conveyed that



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this issue could be addressed with additional education and training for Minnesota Peace Officers. They had three requests of the Board. Firstly, to have the POST Board work with Standpoint and Violence Free Minnesota. Secondly, to have the POST Board offer training on child custody disputes, while also promoting education on the topic as a best practice. Thirdly, to work in consultation to develop tools. Discussion ensued among presenters and Board members. It was noted that this topic could be explored further during the domestic abuse model policy revision project.

5. **Variance: Oshane Spence:** Alicia Popowski presented Oshane Spence's variance request. Mr. Spence was not present for the meeting. Mr. Spence is seeking a variance from the Board to recognize the university he attended as a school as defined under rule 6700.0100, subpart 20. He is seeking the variance so he may enroll with HTC. Hardship is financial, injustice to complete another degree when he already has one. Discussion ensued.
 - **MOTION:** Jennifer Foster moved the motion to grant to discretionary variance until licensure. Stephanie Burrage seconded the motion. The motion carried via unanimous voice vote.
6. **Variance: Michael Dockery:** Alicia Popowski presented Michael Dockery's variance request. Mr. Dockery was not present for the meeting. Mr. Dockery is requesting a variance from the Board under rule 6700.0100, subpart 20 so he may take the reciprocity exam. Mr. Dockery notes that he would incur financial strain by the requirement to obtain another degree without the granting of the variance. This is his second request; his initial request was denied. Discussion ensued. Concerns were raised with the petitioner not taking any Minnesota specific training prior to the exam.
 - **MOTION:** Cassandra Bautista moved the motion to deny the variance request as 6700.0100 subpart 20 has not been met; it will not result in a hardship. Andrew Evans added the hardship B) variance form the rule would not be consistent with public interest. Jim yang seconded the motion. The motion carried via unanimous voice vote with Mr. Evan's amendment.
7. **6700.0800 – obsolete rule:** Alicia Popowski introduced rule 6700.0800 to the Board. She proposed the question whether 6700.0800 Subpart 5 is obsolete as the Board no longer issues paper copies of Peace Officer licenses. She put forward that Subpart 5 be removed. Discussion ensued.
 - **MOTION:** Andrew Evans moved the motion to approve the revision as presented. Jennifer Foster seconded the motion. The motion carried via unanimous voice vote.
8. **6700.0501 (alternate option):** Alicia Popowski presented an alternate draft of rule 6700.0501 to the Board. The revision poses splitting Subpart 7 into two parts. Ms. Popowski explained that the requirements therein remain the same, apart from a two-year requirement instead of 3 and a four-year requirement instead of 5.
 - **MOTION:** Chair Hennen moved the motion to accept the proposal as presented. Tanya Gladney seconded the motion. The motion carried via unanimous voice vote.
9. **Model Policy: Avoiding Racial Profiling:** Alicia Popowski presented the Model Policy to the Board. She explained the revisions were only grammatical and organizational in nature.
 - **MOTION:** Scott Kent moved the motion to accept the revision as presented. Andrew Evans seconded the motion. The motion carried via unanimous voice vote.



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10. **Model Policy: Confidential Informant:** Alicia Popowski presented the Model Policy to the Board. The policy had revisions to organization, formatting, and the addition of clarifying language.
 - **MOTION:** Andrew Evans moved the motion to adopt the model policy as presented. Stephanie Burrage seconded the motion. The motion carried via unanimous voice vote.
11. **Model Policy: Eyewitness Identification:** Alicia Popowski presented the Model Policy to the Board. The revisions consisted of the addition of definitions, grammar, and formatting changes.
 - **MOTION:** Scott Kent moved the motion to adopt the model policy as presented. Jennifer Foster seconded the motion. The motion carried via unanimous voice vote.
12. **Model Policy: Public Assembly:** Alicia Popowski presented the Model Policy to the Board. Feedback on the Model policy was received from State Patrol. Language within the policy was tweaked to make it more in line with technical Law Enforcement terminology. Additionally, the policy was reorganized, and duplicate language was removed.
 - **MOTION:** Jim Yang moved the motion to adopt the model policy as presented. Michael Ceynowa seconded the motion. The motion carried via unanimous voice vote.
13. **Model Policy: Sexual Assault:** Alicia Popowski presented the Model Policy to the Board. The revised policy was reviewed by multiple stakeholder organizations. Revisions consisted of reorganization, consolidation, and amending language to correspond with legislation.
 - **MOTION:** Scott Kent moved the motion to adopt the model policy as presented. Nigel Perrote seconded the motion. The motion carried via unanimous voice vote.
14. **Model Policy: School Resource Officer:** Alicia Popowski presented the Model Policy to the Board. Revisions consisted of grammatical changes and deletion of duplicate terminology. The policy was substantially unchanged.
 - **MOTION:** Jim Yang moved the motion to adopt the model policy as presented. Michael Ceynowa seconded the motion. The motion carried via unanimous voice vote.
15. **Model Policy: Use of Force:** Alicia Popowski presented the Model Policy to the Board. The revisions consisted of the addition of definitions, grammatical changes, and reorganization. Discussion ensued. An oral amendment was proposed to page 4 under 'duty to intercede'; amend pronoun usage to 'they/them'.
 - **MOTION:** Shelly Schaefer moved the motion to adopt the model policy as presented, with the inclusion of the pronoun change. Cassandra Bautista seconded the motion. The motion carried via unanimous voice vote.
16. **Executive Director's Report:** Executive Director Erik Misselt gave the Directors Report to the Board. He introduced new staff member Chris Fitch. Additionally, staff member Angie Rohow will be leaving her position as the Standards Coordinator Supervisor in December. Director Misselt reported to the Board an SRO policy issue; A Minnesota organization's SRO policy does not substantially meet requirements of the POST Board's model policy. Mr. Misselt asked the Board if they would like this issue brought before the Standards Committee or to be handled by POST Staff. The Board choose to have POST staff see to the issue. Next, the topic of a rebuild of the Salesforce licensing system was detailed to the Board, with an estimated timeline of two years. Following this, the Executive



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Director updated the Board on the standardization of Preservice education and psychomotor skills. He noted that a Joint Powers Agreement has been finalized with Kansas University.

Mr. Misselt communicated a larger-scale issue pertaining to the license cards of Minnesota Peace Officers. This topic is being brought to legislation, with consideration of the circumstances surrounding the assassination of a Minnesota lawmaker. He noted that this is a preliminary issue and will likely be discussed further in the future. Lastly, the Director will be giving updates surrounding preservice changes at numerous conferences around the country.

17. [Licensure Matters \(closed to public\)](#)

18. ~~[Licensure Hearing – Leibel](#)~~ The hearing did not take place as an agreement was reached prior to the agenda item.

19. ~~[Deliberations \(closed to public\)](#)~~

20. [Licensure Hearing – Hacker](#): Mr. Kaisershot presented arguments and a closing statement during the open portion of the meeting. The defendant did not appear.

21. [Deliberations \(closed to public\)](#)

22. [Adjournment](#): The meeting adjourned at 2:10 pm.



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Variance Petition Summary

Date of Board Meeting: January 22, 2026

Petitioner: Rawad Alfathi Mohammed Alfallani

Basis for Variance Request: Mr. Alfallani is a CSO applicant with the Minneapolis Police Department interested in pursuing a career in Law Enforcement. Mr. Alfallani's degree was earned in Libya, thus, the university lacks regionally accreditation. Mr. Alfallani is petitioning the board for a variance on the definition of "school."

Rule Citation:

6700.0100, subdivision 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.

Summary of Request (*also see actual request attached*): Mr. Alfallani has a degree (BS) from the University of Tripoli (Libya) in Software Engineering. Mr. Alfallani would like to pursue a career in law enforcement, but the University of Tripoli is not regionally accredited; therefore, his degree does not meet the board's licensure requirements. Mr. Alfallani is seeking a variance on the definition of "school" so that he may be eligible to take the licensing examination after completing the PPOE requirements. Transcript Research (a member of NACES) conducted a foreign transcript evaluation on Mr. Alfallani's degree. Transcript Research determined the University of Tripoli is equivalent to a regionally accredited college or university in the United States.

Previous Board Action on Similar Requests:

- 2023 – The POST Board granted a variance to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 2024 – The POST Board granted two variances to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 2025 – The POST Board granted eight variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board also denied one variance request to recognize a foreign education facility as a school under 6700.0100, subpart 20.

Board Review of Variance Request:

- The Board may ask questions or request additional information from the petitioner.
- The Board cannot waive statutory requirements.
- The Board may attach any conditions to the granting of a variance needed to protect public health and safety.

1. Would the application of the rule, as applied to the circumstances of the petitioner, serve any of the purposes of the rule?

- If yes, go to bullet number 2 below.
- If no, this is a **mandatory** variance and must be granted. To grant the variance:
 - a. identify any conditions to the granting of the variance needed to ensure the variance protects the public health and safety;
 - b. determine how long should the variance be in effect; and
 - c. make a motion.

Sample motion to GRANT a mandatory variance: *I make a motion for the Board to approve the petitioner's request for a variance because application of the Minnesota Rule 6700.____, as applied to the circumstances of the petitioner, would not serve any purpose of the rule. I move that the variance be granted until ____ with the following conditions*

2. If this is a **discretionary variance, the Board may grant it *only* if the board determines that all three of the following statements are true:**

- a. the application of the rule to the petitioner would result in hardship or injustice;
- b. a variance from the rule would be consistent with public interest; and
- c. a variance from the rule would not negatively impact the substantial legal or economic rights of any person or entity.

Sample motion to GRANT a discretionary variance: *I make a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met. I move that the variance of Minnesota Rule 6700.____ be granted until ____ with the following conditions*

Sample motion to DENY a discretionary variance: *I make a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.____ because the statutory criteria for a discretionary variance have not been met. Specifically, [identify all that apply]:*

- a. the application of the rule to the petitioner would not result in hardship or injustice;
- b. a variance from the rule would not be consistent with public interest; and/or
- c. a variance from the rule would prejudice the legal or economic rights of a person.



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Variance Petition Summary

Date of Board Meeting: January 22, 2026

Petitioner: Khaled Elsayed

Basis for Variance Request: Mr. Elsayed has a degree (BA) in Business Administration from the Arab Academy for Science, Technology and Maritime Transport (Egypt). The school is located outside of the United States; therefore, it is not regionally accredited. Mr. Elsayed is petitioning the board for a variance to recognize the academy as a "school."

Rule Citation:

6700.0100, subdivision 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.

Summary of Request (also see actual request attached): Mr. Elsayed is a cadet applicant with the Minneapolis Police Department. If hired, Mr. Elsayed will be required to attend the ICPOET program at Hennepin Tech. Mr. Elsayed is not currently eligible for the ICPOET program because he received his degree from an institution outside of the U.S. Specifically, Mr. Elsayed received a bachelor's degree from the Arab Academy for Science, Technology and Maritime Transport; which is located in Egypt. Mr. Elsayed is requesting a variance on the definition of "school" so that he may enroll in the ICPOET program. Mr. Elsayed has provided the board a degree evaluation report from Education Credential Evaluators (ECE). The report states Mr. Elsayed's degree is equivalent to one issued in the U.S. by a regionally accredited college or university.

Previous Board Action on Similar Requests:

- 2023 – The POST Board granted a variance to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 2024 – The POST Board granted two variances to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 2025 – The POST Board granted eight variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board denied one variance request to recognize a foreign education facility as a school.

Board Review of Variance Request:

- The Board may ask questions or request additional information from the petitioner.
- The Board cannot waive statutory requirements.
- The Board may attach any conditions to the granting of a variance needed to protect public health and safety.

1. Would the application of the rule, as applied to the circumstances of the petitioner, serve any of the purposes of the rule?

- If yes, go to bullet number 2 below.
- If no, this is a **mandatory** variance and must be granted. To grant the variance:
 - a. identify any conditions to the granting of the variance needed to ensure the variance protects the public health and safety;
 - b. determine how long should the variance be in effect; and
 - c. make a motion.

Sample motion to GRANT a mandatory variance: *I make a motion for the Board to approve the petitioner's request for a variance because application of the Minnesota Rule 6700.____, as applied to the circumstances of the petitioner, would not serve any purpose of the rule. I move that the variance be granted until ____ with the following conditions*

2. If this is a **discretionary variance, the Board may grant it *only* if the board determines that all three of the following statements are true:**

- a. the application of the rule to the petitioner would result in hardship or injustice;
- b. a variance from the rule would be consistent with public interest; and
- c. a variance from the rule would not negatively impact the substantial legal or economic rights of any person or entity.

Sample motion to GRANT a discretionary variance: *I make a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met. I move that the variance of Minnesota Rule 6700.____ be granted until ____ with the following conditions*

Sample motion to DENY a discretionary variance: *I make a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.____ because the statutory criteria for a discretionary variance have not been met. Specifically, [identify all that apply]:*

- a. the application of the rule to the petitioner would not result in hardship or injustice;
- b. a variance from the rule would not be consistent with public interest; and/or
- c. a variance from the rule would prejudice the legal or economic rights of a person.



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Variance Petition Summary

Date of Board Meeting: January 22, 2026

Petitioner: Carter Burgoyne

Basis for Variance Request: Mr. Burgoyne is petitioning the board for a variance on the 3 years of experience with a degree reciprocity requirement.

Rule Citation:

6700.0501, subpart 7. Qualifications. A person who has completed a postsecondary degree, who has had three years 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; or a person who has five years 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.

Summary of Request (also see actual request attached): Mr. Burgoyne is currently employed as a law enforcement officer in Utah. Mr. Burgoyne was in the Police Academy from September 5, 2023 to December 23, 2023 and started working patrol on January 1, 2024. On January 1, 2026, Mr. Burgoyne completed 2 years of employment as a peace officer- making him 1 year short of the service requirement. Mr. Burgoyne has a Master of Science degree in Investigations from the University of New Haven and a Master of Arts degree in Homeland Security from American Military University. Mr. Burgoyne is from MN and would like to move back from Utah. Mr. Burgoyne stated his hardship is financial and that he would like to be back home so cab better support his mother and sister.

Previous Board Action on Similar Requests:

- 2025 – The Board denied a variance request to waive approximately 12 months of the 5 years of experience requirement.
- 2024 – The Board denied a variance request to waive approximately 12 months of the 5 years of experience requirement.
- 2023 – The Board denied a variance request to waive approximately 3 months of the 5 years of experience requirement.
- 2023 – The Board granted a variance request to waive approximately 45 days of the 5 years of experience requirement.
- 2023 – The Board granted a variance request to waive approximately 5 months of the 5 years of experience requirement.

Board Review of Variance Request:

- The Board may ask questions or request additional information from the petitioner.
- The Board cannot waive statutory requirements.
- The Board may attach any conditions to the granting of a variance needed to protect public health and safety.

1. Would the application of the rule, as applied to the circumstances of the petitioner, serve any of the purposes of the rule?

- If yes, go to bullet number 2 below.
- If no, this is a **mandatory** variance and must be granted. To grant the variance:
 - a. identify any conditions to the granting of the variance needed to ensure the variance protects the public health and safety;
 - b. determine how long should the variance be in effect; and
 - c. make a motion.

Sample motion to GRANT a mandatory variance: *I make a motion for the Board to approve the petitioner's request for a variance because application of the Minnesota Rule 6700.____, as applied to the circumstances of the petitioner, would not serve any purpose of the rule. I move that the variance be granted until ____ with the following conditions*

2. If this is a **discretionary** variance, the Board may grant it *only* if the board determines that all three of the following statements are true:
- a. the application of the rule to the petitioner would result in hardship or injustice;
 - b. a variance from the rule would be consistent with public interest; and
 - c. a variance from the rule would not negatively impact the substantial legal or economic rights of any person or entity.

Sample motion to GRANT a discretionary variance: *I make a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met. I move that the variance of Minnesota Rule 6700.____ be granted until ____ with the following conditions*

Sample motion to DENY a discretionary variance: *I make a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.____ because the statutory criteria for a discretionary variance have not been met. Specifically, [identify all that apply]:*

- a. the application of the rule to the petitioner would not result in hardship or injustice;
- b. a variance from the rule would not be consistent with public interest; and/or
- c. a variance from the rule would prejudice the legal or economic rights of a person.



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Variance Petition Summary

Date of Board Meeting: January 22, 2025

Petitioner: James Sandifer

Basis for Variance Request: Mr. Sandifer has previously had a peace officer license/certificate suspended, making him ineligible for reciprocity under rule 6700.0501, subpart 7.

Rule Citation:

6700.0501, subpart 7. Qualifications. A person who has completed a postsecondary degree, who has had three years 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; or a person who has five years 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.

Summary of Request (also see actual request attached): Mr. Sandifer would like to take the reciprocity examination but he does not meet the requirements described in rule. Mr. Sandifer's peace office certification was suspended for 18 months by the Iowa Law Enforcement Academy Council. Mr. Sandifer's certification was reinstated after he met the council's conditions and the suspension period lapsed. The rule states reciprocity seekers must "not had a peace officer license, certificate, or the federal equivalent suspended or revoked." Current and prior suspensions are captured as disqualifiers by the rule's language.

Previous Board Action on Similar Requests:

There are no similar requests.

Board Review of Variance Request:

- The Board may ask questions or request additional information from the petitioner.
- The Board cannot waive statutory requirements.
- The Board may attach any conditions to the granting of a variance needed to protect public health and safety.

1. Would the application of the rule, as applied to the circumstances of the petitioner, serve any of the purposes of the rule?

- If yes, go to bullet number 2 below.
- If no, this is a **mandatory** variance and must be granted. To grant the variance:
 - a. identify any conditions to the granting of the variance needed to ensure the variance protects the public health and safety;
 - b. determine how long should the variance be in effect; and
 - c. make a motion.

Sample motion to GRANT a mandatory variance: *I make a motion for the Board to approve the petitioner's request for a variance because application of the Minnesota Rule 6700.____, as applied to the circumstances of the petitioner, would not serve any purpose of the rule. I move that the variance be granted until ____ with the following conditions*

2. If this is a **discretionary variance, the Board may grant it *only* if the board determines that all three of the following statements are true:**

- a. the application of the rule to the petitioner would result in hardship or injustice;
- b. a variance from the rule would be consistent with public interest; and
- c. a variance from the rule would not negatively impact the substantial legal or economic rights of any person or entity.

Sample motion to GRANT a discretionary variance: *I make a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met. I move that the variance of Minnesota Rule 6700.____ be granted until ____ with the following conditions*

Sample motion to DENY a discretionary variance: *I make a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.____ because the statutory criteria for a discretionary variance have not been met. Specifically, [identify all that apply]:*

- a. *the application of the rule to the petitioner would not result in hardship or injustice;*
- b. *a variance from the rule would not be consistent with public interest; and/or*
- c. *a variance from the rule would prejudice the legal or economic rights of a person.*



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Variance Petition Summary

Date of Board Meeting: January 22, 2025

Petitioner: Brian Schwab

Basis for Variance Request: Mr. Schwab has a prior GM theft conviction, which makes him ineligible for licensure.

Rule Citation:

6700.0700, subpart 1 (D)(3)(o)

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. Selection standards. An applicant identified by the board as eligible to be licensed or a peace officer currently licensed in Minnesota may apply for a peace officer position with a law enforcement agency. Prior to employment, the law enforcement agency must establish and document that the following minimum selection standards are met by the applicant. The applicant must:

D. not been convicted of:

(3) any of the following nonfelony offenses or the equivalent in another jurisdiction:

(o) theft under Minnesota Statutes, section 609.52, except that misdemeanor theft of movable property valued at \$500 or less is not an automatic disqualification;

Summary of Request (also see actual request attached): Mr. Schwab was previously adjudicated for a GM theft. Mr. Schwab is a PPOE student with Century College scheduled to start skills mid-January (2026). HTC (the skills provider) has notified Mr. Schwab that the conviction on his record is a disqualifier per the minimum selection standards. Mr. Schwab is petitioning the board for a variance on rule 6700.0700, subpart 1 (D)(3)(o) so that he may enroll in the skills program and subsequently take the licensing examination.

Previous Board Action on Similar Requests:

- 2021: The board received a packet from a petitioner requesting a variance on a misdemeanor theft conviction under 6700.0700, subpart 1(F)(3) (old rules pre-2023). The variance was granted by the board. Under current rule, misdemeanor thefts are no longer a bar to licensure.

Board Review of Variance Request:

- The Board may ask questions or request additional information from the petitioner.
- The Board cannot waive statutory requirements.
- The Board may attach any conditions to the granting of a variance needed to protect public health and safety.

1. Would the application of the rule, as applied to the circumstances of the petitioner, serve any of the purposes of the rule?

- If yes, go to bullet number 2 below.
- If no, this is a **mandatory** variance and must be granted. To grant the variance:
 - a. identify any conditions to the granting of the variance needed to ensure the variance protects the public health and safety;
 - b. determine how long should the variance be in effect; and
 - c. make a motion.

Sample motion to GRANT a mandatory variance: *I make a motion for the Board to approve the petitioner's request for a variance because application of the Minnesota Rule 6700.____, as applied to the circumstances of the petitioner, would not serve any purpose of the rule. I move that the variance be granted until ____ with the following conditions*

2. If this is a **discretionary variance, the Board may grant it *only* if the board determines that all three of the following statements are true:**

- a. the application of the rule to the petitioner would result in hardship or injustice;
- b. a variance from the rule would be consistent with public interest; and
- c. a variance from the rule would not negatively impact the substantial legal or economic rights of any person or entity.

Sample motion to GRANT a discretionary variance: *I make a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met. I move that the variance of Minnesota Rule 6700.____ be granted until ____ with the following conditions*

Sample motion to DENY a discretionary variance: *I make a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.____ because the statutory criteria for a discretionary variance have not been met. Specifically, [identify all that apply]:*

- a. *the application of the rule to the petitioner would not result in hardship or injustice;*
- b. *a variance from the rule would not be consistent with public interest; and/or*
- c. *a variance from the rule would prejudice the legal or economic rights of a person.*



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Received 12/31/25

Variance Petition Summary

Date of Board Meeting: January 22, 2026

Petitioner: Luis Fernando Nunez

Basis for Variance Request: Mr. Nunez has a bachelor's degree in business administration from the Universidad Tecnologica de Mexico. The university is not located in the United States; therefore, it is not regionally accredited.

Rule Citation:

6700.0100, subdivision 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.

Summary of Request (also see actual request attached): Mr. Nunez has a bachelor's degree from the Universidad Tecnologica de Mexico in Business Administration. Mr. Nunez would like to pursue a career in law enforcement, but the Universidad Tecnologica de Mexico is not regionally accredited; therefore, his degree does not meet the board's licensure requirements. Mr. Nunez is seeking a variance on the definition of "school" so that he may be eligible to take the licensing examination after completing the PPOE requirements. Education Credential Evaluators (ECE) conducted a foreign transcript evaluation on Mr. Nunez degree. ECE determined the Universidad Tecnologica de Mexico is equivalent to a regionally accredited college or university in the United States.

Previous Board Action on Similar Requests:

- 2023 – The POST Board granted a variance to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 2024 – The POST Board granted two variances to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 2025 – The POST Board granted eight variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board also denied one variance request to recognize a foreign education facility as a school under 6700.0100, subpart 20.

Board Review of Variance Request:

- The Board may ask questions or request additional information from the petitioner.
- The Board cannot waive statutory requirements.
- The Board may attach any conditions to the granting of a variance needed to protect public health and safety.

1. Would the application of the rule, as applied to the circumstances of the petitioner, serve any of the purposes of the rule?

- If yes, go to bullet number 2 below.
- If no, this is a **mandatory** variance and must be granted. To grant the variance:
 - a. identify any conditions to the granting of the variance needed to ensure the variance protects the public health and safety;
 - b. determine how long should the variance be in effect; and
 - c. make a motion.

Sample motion to GRANT a mandatory variance: *I make a motion for the Board to approve the petitioner's request for a variance because application of the Minnesota Rule 6700.____, as applied to the circumstances of the petitioner, would not serve any purpose of the rule. I move that the variance be granted until ____ with the following conditions*

2. If this is a **discretionary variance, the Board may grant it *only* if the board determines that all three of the following statements are true:**

- a. the application of the rule to the petitioner would result in hardship or injustice;
- b. a variance from the rule would be consistent with public interest; and
- c. a variance from the rule would not negatively impact the substantial legal or economic rights of any person or entity.

Sample motion to GRANT a discretionary variance: *I make a motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met. I move that the variance of Minnesota Rule 6700.____ be granted until ____ with the following conditions*

Sample motion to DENY a discretionary variance: *I make a motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.____ because the statutory criteria for a discretionary variance have not been met. Specifically, [identify all that apply]:*

- a. *the application of the rule to the petitioner would not result in hardship or injustice;*
- b. *a variance from the rule would not be consistent with public interest; and/or*
- c. *a variance from the rule would prejudice the legal or economic rights of a person.*

Professional Peace Officer Education

Certification Renewal

2025 - 2030



MN Rules 6700-0400 (PPOE Renewal)

- Require renewal of certification every 5 years.
- Filed by November 1st of the renewal year.
- Approval and support by the school's admin.
- Documented need for the program.
- Learning objectives must be incorporated into the curriculum.
- Must have reasonable facilities.
- Qualified instructors. (at least a 2-year degree or SME)



MN Rules 6700-0300 (PPOE Initial Certification)

- Learning objectives
- Eligibility; serious threat, crime conviction disqualification
- Appeal process for denials
- Student advisory form
- 5-year curriculum records retention
- Affirmative action plan and report; October 1st each year
- PPOE Coordinator requirements (FT faculty, 3-yrs. CJ experience, 4-yr. degree or higher)
- Safety, discrimination, and discipline policies

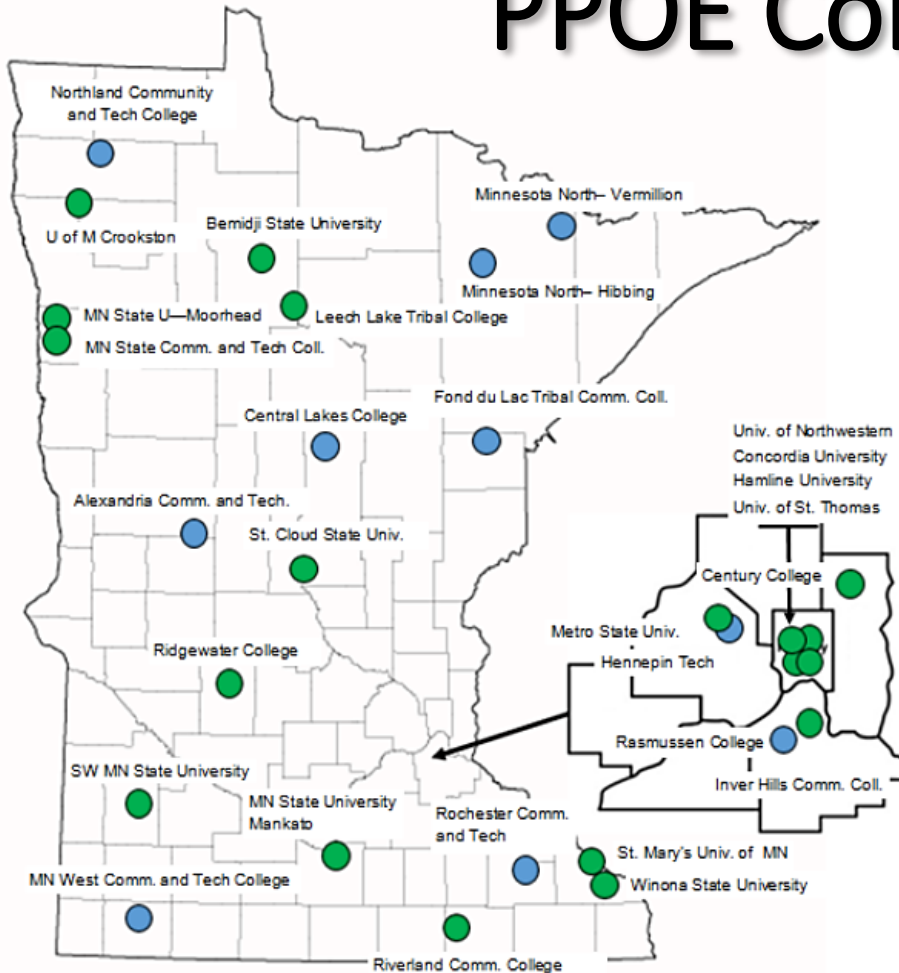


Application and Renewal Process

- Application Form
 - Renewal requirements -0400
 - Initial certification requirements -0300
- Compliance Site-Visit (all applicant institutions)
 - Records retention
 - Reasonable facilities
- Review
- Training Committee Approval (12/3/2025)
- Board Approval
- Present Certificates of Renewal



PPOE Colleges and Universities



● Skills + Academic Schools

1. Alexandria C & T
2. Central Lakes CC
3. Fond du Lac Tribal
4. Hennepin Tech
5. MN North Hibbing
6. MN North Vermillion
7. MN West CC
8. Northland CC
9. Rasmussen University
10. Rochester CC

● Academic Schools

- | | |
|---------------------------|------------------------------|
| 1. Bemidji State Univ. | 11. Ridgewater CC |
| 2. Century College | 12. Riverland CC |
| 3. Concordia University | 13. SW State University |
| 4. Hamline University | 14. St. Cloud State Univ. |
| 5. Inver Hills CC | 15. St. Mary's University |
| 6. Leech Lake Tribal | 16. UM Crookston |
| 7. Metro State University | 17. Univ. of NW'ern |
| 8. MN State C & T | 18. University of St. Thomas |
| 9. MN State Mankato | 19. Winona State Univ. |
| 10. MN State Moorhead | |



PPOE Transfer Relationships

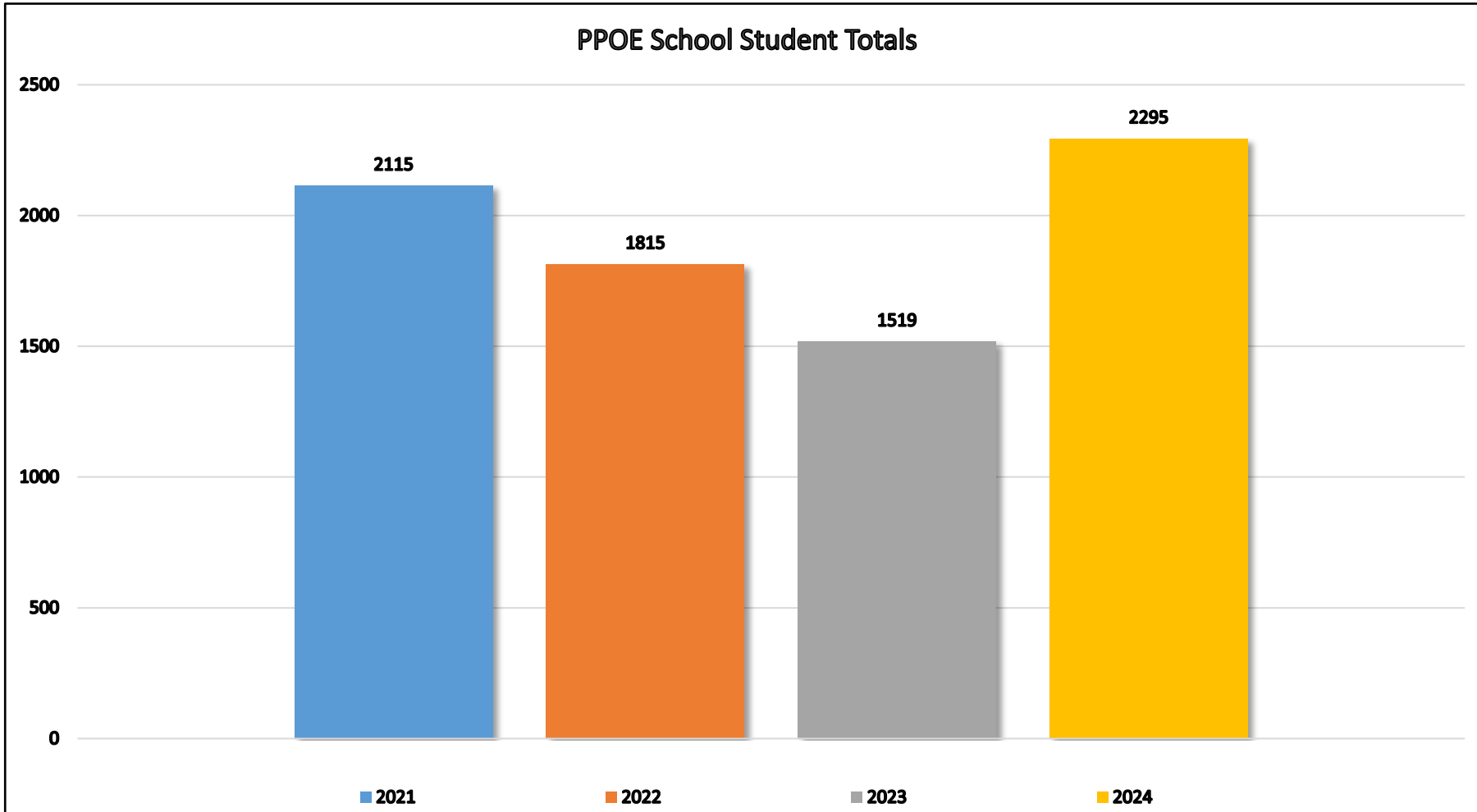
SKILLS PROVIDERS

	Alex	Central Lks	FDL	HTC	MN N Hib	MN N Ver	MN West	Northland	Rasmussen	Rochester
Bemidji										
Century										
Concordia										
Hamline										
Inver Hills										
Leech Lake										
Metro State										
MN State CC										
Mankato										
Moorhead										
Ridgewater										
Riverland										
SW MN St.										
SCSU										
St. Mary's										
Crookston										
NWern SP										
St. Thomas										
Winona										
Other*										

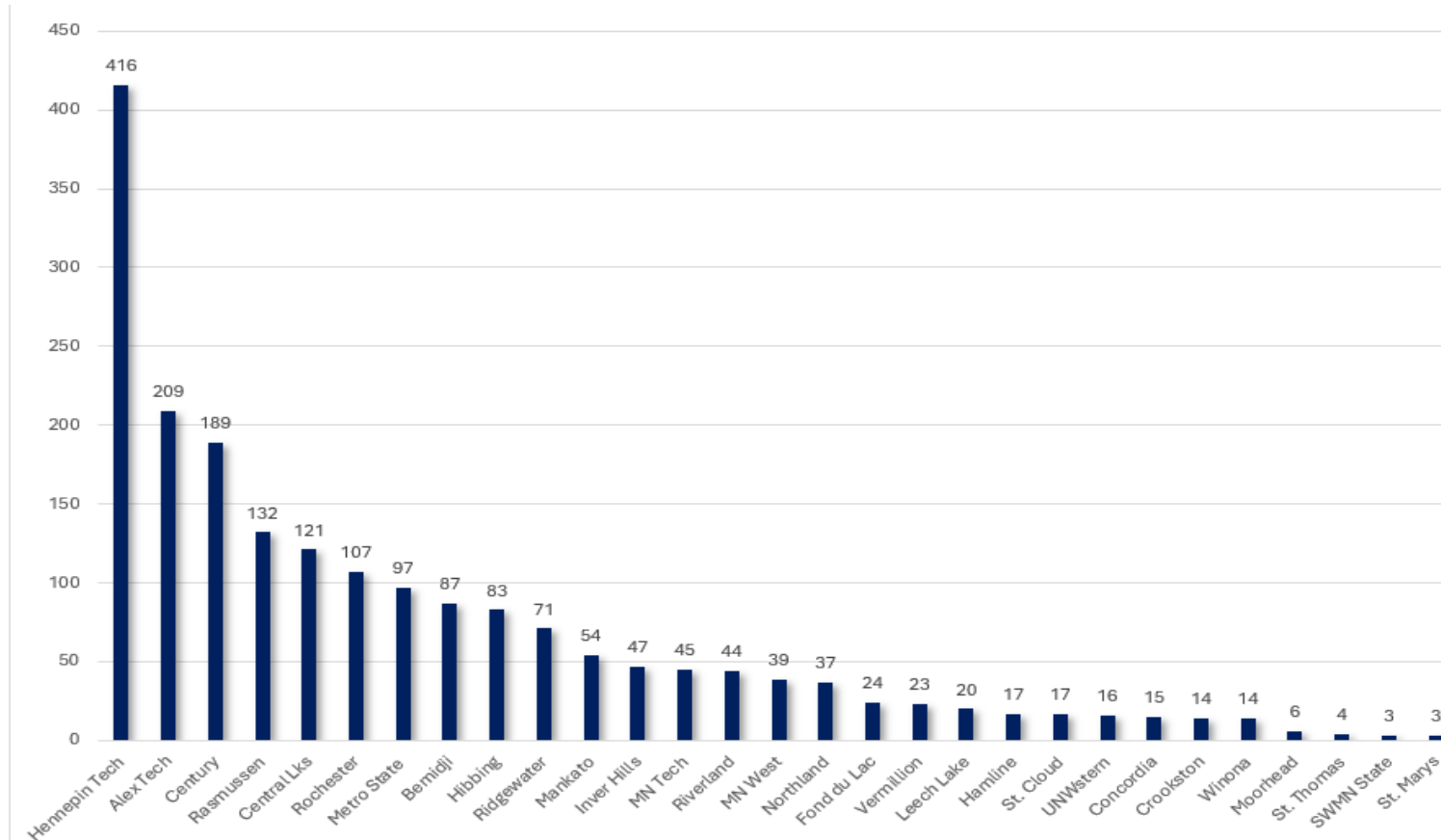
*Non-POST Certified Schools | Out of State Schools | Other Skills Schools | Own Students



PPOE Student Totals 2021-2024



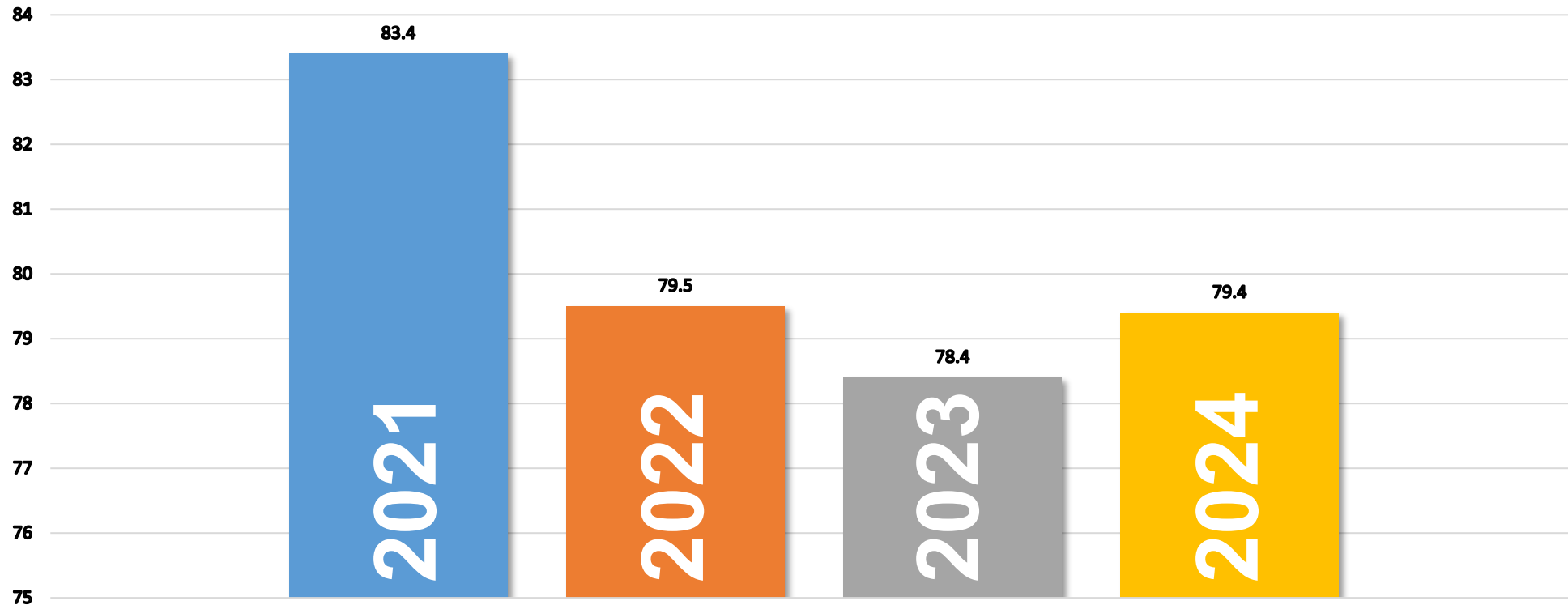
2021-2024 Average Student Enrollment



POST Exam Pass Rate

(For 1st Attempt)

PPOE Exam Pass Percentage



Application Summary

	School	AA	Signed	Need	Psych	Medical	Student Screening	Appeal Process	Advisory Form Used	Qualified Instructors	5 yr. Record Retention	LO's	Passed Site Visit	Rec. for Renewal
1	Alexandria Tech	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
2	Bemidji State	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
3	Central Lakes Col.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
4	Century CC	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
5	Concordia Univ.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C1/2	Y	YES
6	Fond du Lac TC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
7	Hamline Univ.	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
8	Hennepin Tech	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
9	Inver Hills CC	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
10	Leech Lake TC	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
11	Metro State Univ.	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
12	MN No. Hibbing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
13	MN No. Vermillion	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
14	MN State C and Tech	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
15	MN State Mankato	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
16	MN State Moorhead	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
17	MN West Tech	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
18	Northland CC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
19	Rasmussen Univ.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
20	Ridgewater CC	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
21	Riverland CC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C1/2	Y	YES
22	Rochester C&T	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	ALL	Y	YES
23	SW MN State Univ.	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
24	St. Cloud State Univ.	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
25	St. Mary's Univ.	Y	Y	Y	N*	N*	Y	Y	Y	Y	Y	C1/2	Y	YES
26	U of M Crookston	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
27	Univ. of Northwestern	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
28	Univ. of St. Thomas	Y	Y	Y	NA	NA	NA	NA	NA	Y	Y	C1/2	Y	YES
29	Winona State Univ.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C1/2	Y	YES
	<div>Green – Skills School</div> <div>C1/2 – Learning Objectives Categories 1 and 2</div> <div>NA- Performed by the Psychomotor Skills School</div>													



Recommendation

Based on the review and inspection of each of the applicant institutions, I have determined all have met the requirements outlined in Rule and recommend certification renewal of all 29 applicant colleges and universities.



POLICE PURSUIT MODEL POLICY

Minn. Stat. § 626.8458

I. POLICY

~~The primary purpose of this policy is to ensure officers and any member of the _____ Department respects the sanctity of life when making decisions regarding vehicle pursuits. Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The intent of this policy is to provide officers with guidance in balancing the safety of the public, safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law, while minimizing the potential for pursuit related crashes.~~

Vehicle pursuits expose the public, peace officers, and offenders to a variety of risks including serious injury or death. (Name of law enforcement agency) personnel shall consider a variety of factors, including the sanctity of human life, when making vehicle pursuit determinations.

II. GUIDING PRINCIPLES

- ~~• A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.~~
-
- ~~• The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1)).~~
- ~~• No officer will be disciplined for terminating a pursuit.~~
- ~~• Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2)).~~
- ~~• The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others (Minn. Stat. §169.177). Officer(s) should consider reducing their speeds and ensuring that the way is clear before proceeding thru an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds~~

~~should take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.~~

- ~~• Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.~~

*** MOVED TO PROCEDURE SECTION

III. DEFINITIONS

**ALPHABETIZE

- A. Pursuit:** ~~An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer (Minn. Stat. §609.487).~~ refers to an active attempt by a peace officer in an authorized emergency response vehicle to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer.
- B. Termination Discontinue of a Pursuit:** ~~A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit.~~ a pursuit is discontinued when the pursuing peace officer(s) turn off their emergency lights/siren, reduce speed to the posted speed limit, and notify dispatch that the pursuit has ended.
- C. Divided Highway:** ~~Any highway that is separated into two or more roadways by:~~
- ~~1. A physical barrier, or~~
 - ~~2. A clearly indicated dividing section constructed so as to impede vehicular traffic.~~
- means any highway that is separated into two or more roadways by a physical barrier or has a dividing middle section constructed to impede vehicular traffic.
- D. Channeling:** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- E. Compelling Path:** The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.

- F. Pursuit Intervention Technique (PIT):** A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle-contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.
- G. Flee:** ~~The term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle (Minn. Stat. § 609.487 Subd. 1).~~ has the same meaning given to it in MN Statute 609.487, subdivision 1.
- H. Primary Unit:** The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.
- I. Support Units:** ~~The primary~~ refers to the secondary responding pursuit units whose responsibility is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. ~~Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.~~ Support units may also assume responsibility for radio traffic.
- J. Other Assisting Units:** refers to law enforcement units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking intersections, compelling paths, or otherwise working to minimize risk.
- K. Ramming:** The deliberate act of impacting a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.
- L. Portable Tire Deflation Device:** A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.
- M. Blocking or vehicle intercept:** A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.
- N. Boxing-in:** A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
- O. Paralleling:** The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws. Minn. Stat. § 169.14, subd. 1.
- P. Chief Law Enforcement Officer or CLEO:** has the same meaning given to it in Administrative Rule 6700.0100, subpart 9a.

PROCEDURES

IV. PROCEDURE

The decision to pursue a fleeing motor vehicle should be based on the totality of the information and circumstances known to the [officer] at the time the decision is made without the benefit of hindsight. Peace officers pursuing a motor vehicle shall evaluate the risks to the public and other peace officers against the potential consequences of failing to apprehend the offender(s). When pursuing a motor vehicle, [officers] shall slow down and sound their siren or, minimally, display one red light to the front before cautiously proceeding through a stop sign or red light. Speed limitations do not apply to an authorized emergency vehicle that is engaged in a pursuit. This does not relieve the driver of an authorized emergency vehicle from the duty to drive with due care/regard nor from the consequences of recklessly disregarding the safety of others. When the likelihood of a collision with another vehicle or pedestrian is higher, peace officers shall reduce their speeds and ensure the area is clear. During a pursuit, involved [officers] shall frequently evaluate the factors and conditions affecting a pursuit and discontinue when appropriate. No officer will be disciplined for terminating a pursuit.

~~A. Pursuit Considerations Minn. Stat §626.8458 Subd. 2 (2).~~

- ~~1. Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.~~
- ~~2. Factors to be considered when weighing risks:~~
 - ~~• Severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).~~
 - ~~• Speed of the pursuit~~
 - ~~• Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)~~
 - ~~• Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)~~
 - ~~• Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increased likelihood of a collision (Minn. Stat. §169.03)~~
 - ~~• Environmental conditions (weather, visibility, road surface conditions)~~
 - ~~• Special hazards (school zones, road construction, parades, special events)~~
 - ~~• The ability to identify the offender at a later time~~
 - ~~• Age of the suspect and occupants~~
 - ~~• Other persons in or on the suspect vehicle~~
- ~~3. Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:~~
 - ~~• The immediate need to apprehend the offender outweighs the risk created by the pursuit.~~
 - ~~• The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.~~

- ~~Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.~~

~~B. Procedures & Tactics for an Officer Engaging in a Pursuit~~ Minn. Stat. § 626.8458 Subd. 2 (3)

- ~~1. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.~~
- ~~2. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.~~

PURSUIT CONSIDERATIONS, TACTICS, AND RESPONSIBILITIES

A pursuit is justified when the risks of such a law enforcement action are outweighed by either 1) the immediate need to apprehend the suspect or 2) the risk the suspect poses to the public. When engaging in a pursuit, [officers] should consider the following factors:

- the severity or nature of the offense (for non-violent offenses, officers should consider terminating the pursuit),
- the speed of the pursuit,
- the area of the pursuit (including the geographical area, time of day, amount of vehicle/pedestrian traffic, and the [officer's] familiarity with the area),
- whether there are divided highways or one-way roads,
- weather conditions (rain, snow, visibility, road surface conditions),
- the presence and approach of intersections controlled by traffic signals, signs or other locations where there is an increased risk of a collision,
- the ability to identify the offender at a later time,
- the age of the suspect and occupants, and
- whether there are other individuals or suspects in the vehicle.

When the decision is made to engage in a pursuit, the [officer] shall continuously assess the pursuit and the present factors. When conducting their evaluation, [officers] should ask themselves the following questions.

- Does the immediate need to apprehend the offender outweigh the risk created by the pursuit?
- Do the dangers created by the pursuit exceed the dangers posed if the offender were to escape?

All emergency vehicles shall be driven in a safe manner and with due regard for public safety. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care.

~~C. Responsibilities of the Primary Unit~~ Minn. Stat. § 626.8458 Subd. 2 (4)

~~The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch when possible:~~

- ~~○ Travel direction/location/traffic and road conditions~~
- ~~○ Reason for initial contact (specific violations)~~
- ~~○ Identity of fleeing driver, if known~~
- ~~○ Plate number, if available, and/or vehicle description~~
- ~~○ Speed of fleeing vehicle~~

- ~~1. Provide relevant evolving information to dispatch~~
- ~~2. No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force (see agency policy on use of force)~~
- ~~3. Roadblocks must conform to the agency's policy on use of force~~
- ~~4. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles~~
- ~~5. Unmarked and low profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.~~

Primary Unit. The primary [officer], or primary unit, shall notify dispatch of the pursuit and provide the following information when possible:

- travel direction/location/traffic and road conditions,
- reason for initial contact (violation),
- identity of the fleeing driver (if known),
- plate number, if available, and/or vehicle description, and
- speed of the fleeing vehicle.

During a pursuit, the primary unit shall, when feasible, provide any relevant information or evolving information to dispatch. No [officer] will intentionally make vehicle-to-vehicle contact with the suspect unless this action is in accordance with agency policy on use of force. Roadblocks must conform to the agency's policy on use of force as well. Only a law enforcement vehicle with emergency lights and a siren may be used as a pursuit vehicle. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle is able to take over as the primary vehicle. [Officers] shall not become engaged in a pursuit while operating a non-department (private) motor vehicle or department vehicles not equipped with the required emergency equipment.

~~D. Procedures & Tactics for support units~~

- ~~1. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.~~
- ~~2. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws.~~
- ~~3. All participating units should operate under emergency conditions.~~

Support Unit(s). Secondary officers, or support units, are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Support units directly involved in the pursuit should utilize their siren and/or emergency lights. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all traffic laws.

~~E. Supervision of Pursuit Activities~~

- ~~1. The use of a detached supervisor that is not directly involved in the pursuit, when available, should be considered.~~

~~Based on the known information the supervisor, when available, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4)).~~

- ~~2. Procedures regarding control over pursuit activities should include:~~
 - ~~• Verbally acknowledge they are monitoring the pursuit.~~
 - ~~• Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.~~
 - ~~• Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.~~
 - ~~• Communicate to all involved units if the pursuit should be terminated~~
- ~~3. Options to keep in mind during a pursuit include, but are not limited to:~~
 - ~~• Parallel pursuits~~
 - ~~• Channeling techniques~~
 - ~~• Creating a compelling path~~
 - ~~• Air support~~
 - ~~• Spike strips or other tire deflation device~~
 - ~~• Pursuit Intervention Techniques (PIT)~~
 - ~~• Blocking or Vehicle Intercept~~
 - ~~• Boxing in~~
 - ~~• Other apprehension or GPS tracking methods—Minn. Stat. §626.8458 Subd 2 (3)~~
- ~~4. *Post-pursuit chain of command notifications are required and shall be identified in each agency's policy.*~~

Supervision of Pursuit Activities. When feasible, pursuits should be monitored by a supervisor not directly involved in the pursuit. Supervisors should give a verbal acknowledgement over the radio after a pursuit is initiated that notifies the [officers] involved that a supervisor is monitoring their radio traffic and the pursuit conditions. While monitoring the pursuit, the supervisor shall attempt to gather the critical information necessary to evaluate the continuation of the pursuit and ensure the pursuit adheres to agency policy and state statute. If the pursuit is not justified under this policy or state statute, the supervisor shall discontinue the pursuit. The termination of the pursuit shall be communicated to all involved units and the supervisor shall ensure the termination is acknowledged by the pursuing officers.

Supervisors should keep the following in mind while monitoring a pursuit:

- parallel pursuits,
- channeling opportunities,
- compelling path opportunities,
- air support,
- available equipment (grapplers, spike strips, or other tire deflation devices),
- pursuit intervention techniques (PIT),
- blocking or vehicle intercept opportunities,
- boxing-in opportunities, and
- the availability of other apprehension or GPS tracking equipment.

Post-Pursuit Chain of Command Notifications. [Post-pursuit chain of command notifications are required. Each agency must outline their post-pursuit notification procedures in its pursuit policy. The agency's requirements should be added to this section.]

F. Dispatch Responsibilities

~~Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2 (4):~~

- ~~• Coordinate pursuit communications of the involved units and personnel.~~
- ~~• Notify and coordinate with other involved or affected agencies as practicable.~~
- ~~• Ensure that a supervisor, if available, is notified of the pursuit.~~
- ~~• Assign an incident number and log all pursuit activities.~~
- ~~• Broadcast pursuit updates as well as other pertinent information as necessary.~~

Dispatch Responsibilities. Upon notification that a pursuit has been initiated, dispatch will be responsible for the following tasks.

- Coordinating pursuit communications among the involved units and personnel.
- Notifying and coordinating with other involved or affected agencies as needed and practicable.

- Ensuring that a supervisor, if available, is notified of the pursuit.
- Assigning an incident number to the pursuit and logging all pursuit activities.
- Broadcasting pursuit updates and other pertinent information as necessary.

Care and Consideration of Victims. If, during a pursuit, [an officer] observes or is made aware of an injury to an individual, the [officer] must immediately notify the dispatcher to have the appropriate emergency unit(s) respond. The aid an officer should render includes, but is not limited to, requesting an ambulance, rendering first aid until officers are no longer needed at the injury scene, and summoning additional units to the scene for assistance with the injured person and/or traffic control.

Firearms. The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging a firearm. [Officers] should not discharge firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any [officer] from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

Capture of Suspects. Proper self-discipline and sound professional judgment are keys to a successful conclusion of a pursuit and the apprehension of evading suspects. Arrests shall be performed in accordance with this agency's policies and state statute.

Pursuit Summary Report. The supervisor and primary officer must file a pursuit summary report. The agency's CLEO must ensure the state's pursuit form is completed and submitted to the Commission of Public Safety within 30 days following the pursuit (MN Statute 626.5532). The report submitted to the Commission of Public Safety must include the following information:

- the reason(s) for the pursuit,
- the circumstances surrounding the pursuit,
- the alleged offense committed by the suspect,
- the length of the pursuit in distance and time,
- the outcome of the pursuit,
- a summary of any injuries or property damage resulting from the pursuit,
- the pending criminal charges against the driver, and
- any other information deemed relevant by the Commissioner of Public Safety.

Evaluation and Critique. After a pursuit, the [officers] and supervisor involved must evaluate the pursuit and make recommendations, if applicable, to the CLEO on ways to improve the agency's pursuit policy and tactics.

G. Factors Influencing the Termination of a Pursuit:

~~The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect and shall consider terminating the pursuit under the following conditions.~~

- ~~1. The officer deems the conditions of the pursuit too risky for the safe continuation of the pursuit.~~
- ~~2. A supervisor orders it terminated.~~
- ~~3. Information is communicated that indicates the pursuit is out of compliance with policy.~~
- ~~4. Communication is broken.~~
- ~~5. Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.~~
- ~~6. The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.~~

AIR SUPPORT

When available and practical, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control of the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit. The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

TERMINATING A PURSUIT

The primary unit [officer] and supervisor must continually evaluate the risks and likelihood of a successful apprehension of the suspect. Personnel involved in the pursuit must consider terminating the pursuit when the any of the following conditions are present.

- The [officer] deems the conditions of the pursuit to be too great of a risk to the public to continue.
- A supervisor orders pursuing [officers] to discontinue.
- New information or communications indicate the pursuit is not in accordance with department policy.
- Disruptions in radio communications with dispatch and/or other responding units.

- Visual contact of the suspect is lost for a reasonable period of time and/or the direction of travel cannot be determined.
- The suspect is known and could be apprehended later – delaying apprehension does not create a substantial known risk of injury or death to another person.

~~H. Interjurisdictional Pursuit—Minn. Stat. § 626.8458 Subd. 2 (5).~~

- ~~1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.~~
- ~~2. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.~~
- ~~3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.~~
- ~~4. When a pursuit enters this law enforcement agency's jurisdiction:~~
 - ~~• The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.~~
 - ~~• The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.~~
- ~~5. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).~~

~~If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor. No pursuit will continue into another state unless permission is received from a supervisor, if available and as soon as is practical. Prior to, or as soon as possible after crossing the state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.~~

~~I. Fresh pursuit outside state boundaries~~

~~Subject to the conditions identified under H.5. above the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include~~

INTERJURISDICTIONAL PURSUITS

The primary unit or [officer] in a pursuit must update critical information to the dispatcher before leaving their jurisdiction. The primary unit must remain the primary unit in another jurisdiction unless the controlling pursuit authority transfers its authority. Upon receiving notification that the pursuit has entered another agency's jurisdiction, the dispatcher must forward all critical information possessed by the dispatcher to that agency. When a pursuit enters another agency's jurisdiction, the primary [officer] or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to ask the other agency to assume control of the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary [officer] or supervisor ensure that notification is provided to dispatch and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

If a pursuit from another agency enters this agency's jurisdiction, the dispatcher must notify the on-duty supervisor or another [officer] identified as the contact person for the agency and relay to them all pertinent pursuit information. Assistance may be provided if the pursuit conforms with this agency's policy and state statute.

INTERSTATE PURSUITS

No pursuit will continue into another state unless agency personnel have received permission from their on-duty supervisor – if available and practical. Prior to, or as soon as possible after crossing the state line, the dispatcher must notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications. So long as the conditions in this paragraph met, agency personnel may continue a pursuit across state lines if the state has reciprocity. These states include North Dakota, South Dakota, Iowa, and Wisconsin.

J. Air Support

- ~~1. When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)). The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.~~

~~K. Pursuit Summary Report~~

- ~~1. The primary officer and the supervisor shall file a pursuit summary report.~~
- ~~2. To ensure compliance with Minn. Stat. § 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.~~
- ~~3. As required in Minn. Stat. §626.5532, the report must contain the following elements:~~
 - ~~a) the reason(s) for, and the circumstances surrounding the pursuit;~~
 - ~~b) the alleged offense;~~
 - ~~c) the length of the pursuit in distance and time;~~
 - ~~d) the outcome of the pursuit;~~
 - ~~e) any injuries or property damage resulting from the pursuit; and~~
 - ~~f) any pending criminal charges against the driver.~~
 - ~~g) other information deemed relevant by the Commissioner of Public Safety.~~

~~L. Care and Consideration of Victims~~

~~If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond. Rendering assistance includes, but is not limited to:
Minn. Stat. §626.8458 Subd. 2 (6)~~

- ~~● Calling an ambulance~~
- ~~● Rendering first aid until the officers are no longer needed at the injury scene~~
- ~~● Summoning additional units to the scene for assistance with the injured persons and/or traffic control~~

~~M. Use of Firearms~~

~~The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not discharge firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.~~

~~N. Capture of Suspects~~

~~Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects shall be consistent with the agency use of force policy and Minn. Stat. §609.06.~~

~~O. Evaluation and Critique~~

~~After each pursuit, the supervisor and law enforcement agency units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the agency's pursuit policy and tactics.~~

~~Q. Training~~

~~In accordance with POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics.~~

~~In accordance with Minn. Stat. §626.8458, the chief law enforcement officer shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities.~~

~~This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years. Continual training should also be considered for those officers authorized to use the PIT maneuver, tire deflation device deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.~~

~~If the chief law enforcement officer determines an officer will not be involved in police pursuits, the CLEO must notify POST of the officer's exemption status.~~

TRAINING

In accordance with POST requirements, all sworn agency personnel must be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. The CLEO shall provide in-service training in emergency vehicle operations and pursuit driving to every peace officer (including part-time licensed peace officers) who may become involved in a police pursuit given the officer's duties and responsibilities (MN Statute 626.8458). This training must comply with the learning objectives developed and approved by POST and must minimally consist of 8 hours of classroom and skills-based training. This training must be completed, minimally, once every five years. Re-fresher courses should be considered for personnel authorized to use the PIT maneuver, tire deflation devices, FPS tracking devices, and any other devices or tools used for pursuit intervention.

If the CLEO determines [an officer] will not be involved in police pursuits, given their duties and responsibilities, the CLEO must notify POST of the [officer's] exemption status.

STATUTORY REFERENCES

- MN STATUTE 169.03 – Emergency Vehicles
- MN STATUTE 169.14 – Speed Limit, Zones; Radar

- MN STATUTE 169.17 – Emergency Vehicle
- MN STATUTE 626.5532 – Pursuit of Fleeing Suspects by Peace Officers
- MN STATUTE 626.65 – Uniform Act on Fresh Pursuit; Reciprocal
- MN STATUTE 626.8458 – Vehicle Pursuits; Policies and Instruction Required
- MN STATUTE 626.487 – Fleeing Peace Officer; Motor Vehicle; Other
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Revision approved by the POST Board on _____.

VEHICLE PURSUITS

[MODEL POLICY]

POLICY

Vehicle pursuits expose the public, peace officers, and offenders to a variety of risks including serious injury or death. (*Name of law enforcement agency*) personnel must consider a variety of factors, including the sanctity of human life, when making vehicle pursuit determinations.

DEFINITIONS

Blocking or Vehicle Intercept: means a slow speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, with the driver possibly of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

Boxing-in: means a tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Channeling: means to direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

Chief Law Enforcement Officer or CLEO: has the same meaning given to it in [Administrative Rule 6700.0100](#), subpart 9a.

Compelling Path: means the use of channeling with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver of any vehicle or any vehicle traveling the path has an exit option at the narrowed end.

Discontinue a Pursuit: a pursuit is discontinued when the pursuing peace officer(s) turn off their emergency lights/siren, reduce speed to the posted speed limit, and notify dispatch that the pursuit has ended.

Divided Highway: means any highway that is separated into two or more roadways by a physical barrier or has a dividing middle section constructed to impede vehicular traffic.

Flee: has the same meaning given to it in [MN Statute 609.487](#), subdivision 1.

Other Assisting Units: refers to law enforcement units not actively involved in the pursuit who assist by deploying stop sticks, clocking intersections, making compelling paths, or otherwise working to minimize risk.

Paralleling: the practice of non-pursuing squad vehicles driving on streets near the active pursuit, in a manner that is generally parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws.

Pursuit: refers to an active attempt by a peace officer in an authorized emergency response vehicle to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer.

Portable Tire Deflation Device: means a device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

Primary Unit: means the law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

Pursuit Intervention Technique (PIT): A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.

Ramming: The deliberate act of colliding with a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.

Support Unit(s): refers to the secondary responding pursuit units whose responsibility it is to remain in close proximity to the pursuing vehicle(s) so that peace officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support units may also assume responsibility for radio traffic.

PROCEDURES

The decision to pursue a fleeing motor vehicle should be based on the totality of the information and circumstances known to the [officer] at the time the decision is made without the benefit of hindsight. Peace officers pursuing a motor vehicle shall evaluate the risks to the public and other peace officers against the potential consequences of failing to apprehend the offender(s). When pursuing a motor vehicle, [officers] shall slow down and sound their siren or, minimally, display one red light to the front before cautiously proceeding through an area displaying a stop sign or red light. Speed limitations do not apply to an authorized emergency vehicle that is engaged in a pursuit. This does not relieve the driver of an authorized emergency vehicle from the duty to drive with due care/regard nor from the consequences of recklessly disregarding the safety of others. When the likelihood of a collision with another vehicle or pedestrian is higher, peace officers shall reduce their speeds and ensure the area is clear. During a pursuit, involved [officers] shall frequently evaluate the factors and conditions affecting a pursuit and discontinue when appropriate. No [officer] will be disciplined for discontinuing a pursuit.

PURSUIT CONSIDERATIONS, TACTICS, AND RESPONSIBILITIES

A pursuit is justified when the risks of such a law enforcement action are outweighed by either 1) the immediate need to apprehend the suspect or 2) the risk the suspect poses to the public. When engaging in a pursuit, [officers] must consider the following factors:

- the severity or nature of the offense (for non-violent offenses, officers should consider discontinuing the pursuit),
- the speed of the pursuit,
- the area of the pursuit (including the geographical area, time of day, amount of vehicle/pedestrian traffic, and the [officer's] familiarity with the area),
- whether there are divided highways or one-way roads,
- weather conditions (rain, snow, visibility, road surface conditions),
- the presence and approach of intersections controlled by traffic signals, signs or other locations where there is an increased risk of a collision,
- the ability to identify the offender at a later time,
- the age of the suspect and occupants, and
- whether there are other individuals or suspects in the vehicle.

When the decision is made to engage in a pursuit, the [officer] shall continuously assess the pursuit and the present factors. When conducting their evaluation, [officers] should ask themselves the following questions.

- Does the immediate need to apprehend the offender outweigh the risk created by the pursuit?
- Do the dangers created by the pursuit exceed the dangers posed if the offender were to escape?

All emergency vehicles shall be driven in a safe manner and with due regard for public safety. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care.

Primary Unit. The primary [officer], or primary unit, shall notify dispatch of the pursuit and provide the following information when possible:

- travel direction/location/traffic and road conditions,
- reason for initial contact (violation),
- identity of the fleeing driver (if known),
- plate number, if available, and/or vehicle description, and
- speed of the fleeing vehicle.

During a pursuit, the primary unit shall, when feasible, provide any relevant information or evolving information to dispatch. No [officer] will intentionally make vehicle-to-vehicle contact with the suspect unless this action is in accordance with agency policy on use of force. Roadblocks must conform to the agency's policy on use of force as well. Only a law

enforcement vehicle with emergency lights and a siren may be used as a pursuit vehicle. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle is able to take over as the primary unit. [Officers] shall not become engaged in a pursuit while operating a non-department (private) motor vehicle or department vehicles not equipped with the required emergency equipment.

Support Unit(s). Secondary officers, or support units, are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Support units directly involved in the pursuit should utilize their siren and/or emergency lights. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all traffic laws.

Supervision of Pursuit Activities. When feasible, pursuits should be monitored by a supervisor not directly involved in the pursuit. Supervisors should give a verbal acknowledgment over the radio after a pursuit is initiated that notifies the [officers] involved that a supervisor is monitoring their radio traffic and the pursuit conditions. While monitoring the pursuit, the supervisor shall attempt to gather the critical information necessary to evaluate the continuation of the pursuit and ensure the pursuit adheres to agency policy and state statute. If the pursuit is not justified under this policy or state statute, the supervisor shall discontinue the pursuit. The termination of the pursuit shall be communicated to all involved units and the supervisor shall ensure the termination is acknowledged by the pursuing officers.

Supervisors should keep the following in mind while monitoring a pursuit:

- paralleling opportunities,
- channeling opportunities,
- compelling path opportunities,
- air support,
- available equipment (grapplers, spike strips, or other tire deflation devices),
- pursuit intervention techniques (PIT),
- blocking or vehicle intercept opportunities,
- boxing-in opportunities, and
- the availability of other apprehension or GPS tracking equipment.

Post-Pursuit Chain of Command Notifications. Post-pursuit chain of command notification is required. Each agency must outline their post-pursuit notification procedures in its pursuit policy. The agency's requirements should be added to this section.

Dispatch Responsibilities. Upon notification that a pursuit has been initiated, dispatch will be responsible for the following tasks.

- Coordinating pursuit communications among the involved units and personnel.

- Notifying and coordinating with other involved or affected agencies as needed and practicable.
- Ensuring that a supervisor, if available, is notified of the pursuit.
- Assigning an incident number to the pursuit and logging all pursuit activities.
- Broadcasting pursuit updates and other pertinent information as necessary.

Care and Consideration of Victims. If, during a pursuit, [an officer] observes or is made aware of an injury to an individual, the [officer] must immediately notify the dispatcher to have the appropriate emergency unit(s) respond. The aid an officer should render includes, but is not limited to, requesting an ambulance, rendering first aid until [officers] are no longer needed at the injury scene, and summoning additional units to the scene for assistance with the injured person and/or traffic control.

Firearms. The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging a firearm. [Officers] should not discharge firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any [officer] from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

Capture of Suspects. Proper self-discipline and sound professional judgment are keys to the successful conclusion of a pursuit and the apprehension of evading suspects. Arrests shall be performed in accordance with this agency's policies and state statute.

Pursuit Summary Report. The supervisor and primary officer must file a pursuit summary report. The agency's CLEO must ensure the state's pursuit form is completed and submitted to the Commission of Public Safety within 30 days following the pursuit ([MN Statute 626.5532](#)). The report submitted to the Commission of Public Safety must include the following information:

- the reason(s) for the pursuit,
- the circumstances surrounding the pursuit,
- the alleged offense committed by the suspect,
- the length of the pursuit in distance and time,
- the outcome of the pursuit,
- a summary of any injuries or property damage resulting from the pursuit,
- the pending criminal charges against the driver, and
- any other information deemed relevant by the Commissioner of Public Safety.

Evaluation and Critique. After a pursuit, the [officers] and supervisor involved must evaluate the pursuit and make recommendations, if applicable, to the CLEO on ways to improve the agency's pursuit policy and tactics.

AIR SUPPORT

When available and practical, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit. The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend discontinuing the pursuit.

DISCONTINUING A PURSUIT

The primary unit [officer] and supervisor must continually evaluate the risks and likelihood of a successful apprehension of the suspect. Personnel involved in the pursuit must consider discontinuing the pursuit when any of the following conditions are present.

- The [officer] deems the conditions of the pursuit to be too great of a risk to the public to continue.
- A supervisor orders pursuing [officers] to discontinue.
- New information or communications indicate the pursuit is not in accordance with department policy.
- Disruptions in radio communications with dispatch and/or other responding units.
- Visual contact of the suspect is lost for a reasonable period of time and/or the direction of travel cannot be determined.
- The suspect is known and could be apprehended later – delaying apprehension does not create a substantial known risk of injury or death to another person.

INTERJURISDICTIONAL PURSUITS

The primary unit or [officer] in a pursuit must update critical information to the dispatcher before leaving their jurisdiction. The primary unit must remain the primary unit in another jurisdiction unless the controlling pursuit authority transfers its authority. Upon receiving notification that the pursuit has entered another agency's jurisdiction, the dispatcher must forward all critical information possessed by the dispatcher to that agency. When a pursuit enters another agency's jurisdiction, the primary [officer] or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to ask the other agency to assume control of the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary [officer] or supervisor ensure that notification is provided to dispatch and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

If a pursuit by another agency enters this agency's jurisdiction, the dispatcher must notify the on-duty supervisor or another [officer] identified as the contact person for the agency.

and relay to them all pertinent pursuit information. Assistance may be provided if the pursuit conforms with this agency's policy and state statute.

INTERSTATE PURSUITS

No pursuit will continue into another state unless agency personnel have received permission from their on-duty supervisor – if available and practical. Prior to, or as soon as possible after crossing the state line, the dispatcher must notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications. So long as the conditions in this paragraph are met, agency personnel may continue a pursuit across state lines if the state has reciprocity. These states include North Dakota, South Dakota, Iowa, and Wisconsin.

TRAINING

In accordance with POST requirements, all sworn agency personnel must be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. The CLEO shall provide in-service training in emergency vehicle operations and pursuit driving to every peace officer (including part-time licensed peace officers) who may become involved in a police pursuit given the officer's duties and responsibilities ([MN Statute 626.8458](#)). This training must comply with the learning objectives developed and approved by POST and must minimally consist of 8 hours of classroom and skills-based training. This training must be completed, minimally, once every five years. Re-fresher courses should be considered for personnel authorized to use the PIT maneuver, tire deflation devices, FPS tracking devices, and any other devices or tools used for pursuit intervention.

If the CLEO determines [an officer] will not be involved in police pursuits, given their duties and responsibilities, the CLEO must notify POST of the [officer's] exemption status.

STATUTORY REFERENCES

- [MN STATUTE 169.03](#) – Emergency Vehicles
- [MN STATUTE 169.14](#) – Speed Limit, Zones; Radar
- [MN STATUTE 169.17](#) – Emergency Vehicle
- [MN STATUTE 626.5532](#) – Pursuit of Fleeing Suspects by Peace Officers
- [MN STATUTE 626.65](#) – Uniform Act on Fresh Pursuit; Reciprocal
- [MN STATUTE 626.8458](#) – Vehicle Pursuits; Policies and Instruction Required
- [MN STATUTE 626.487](#) – Fleeing Peace Officer; Motor Vehicle; Other
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

Revision approved by the POST Board on ____.

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. 5a. Peace officer preservice program. "Peace Officer Preservice Program" or POPP refers to the learning objectives developed and maintained by the board that are delivered by a certified school.

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 psychomotor clinical skills component of the professional peace officer education~~ Peace Officer Preservice Program.

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, 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.~~ For the purposes of this chapter, a person is considered to have been convicted of a crime if the person was convicted, or otherwise found guilty or pleaded guilty, including by entering an Alford plea or a plea of no contest; was found guilty but the adjudication of guilt was stayed or withheld; was convicted but the imposition or execution of a sentence was stayed; or was

convicted but the conviction was later expunged.

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, 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 Preservice 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.

Subp12a. **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 occasionally teach occasionally in a school preservice 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~~ a component of the Peace Officer Preservice Program according to part 6700.0300 or a board-approved continuing education course according to part 6700.0900.

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 agency or recognized as meeting accreditation by a current member of the National Association of Credential Evaluation Services (NACES). A school must be authorized to award 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 ~~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.

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.

Subp. 30. **Primary certified school.** "Primary certified school" means the certified school a student enrolls with and begins the Peace Officer Preservice Program.

Subp. 31. **Secondary certified school.** "Secondary certified school" means the certified school a student enrolls with to complete the psychomotor skills component of the Peace Officer Preservice Program if different than the primary certified school.

Subp. 32. **Academic component.** "Academic component" means categories 1 and 2 of the learning objectives approved by the board.

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Subp. 33. **Psychomotor skills component.** “Psychomotor skills component” means categories 3 and 4 of the learning objectives approved by the board.

Subp. 34. **Preservice advisory committee.** “Preservice Advisory Committee” means a standing committee of professionals, subject matter experts, and stakeholders that advise and aid the board in the development and updating of preservice program topics and learning objectives.

Subp. 35. **Adjunct instructor.** “Adjunct instructor” is someone who provides instruction in the Peace Officer Preservice Program but is not a full-time faculty member.

6700.0100 DEFINITIONS

Subpart 2. MN Statute [626.84](#), subdivision 1, paragraph (f) defines the term “law enforcement agency” not “agency.” The term being defined in this subpart was changed to “law enforcement agency” as opposed to “agency” so that it properly reflects the statutory reference.

Subpart 5a. The term Professional Peace Officer Education (PPOE) is being replaced with Peace Officer Preservice Program (POPP). The board is shifting to a standardized method of law enforcement training. The name change will help individuals differentiate between the “old” and “new” training methodologies.

Subpart 7. In Minnesota, law enforcement training is bifurcated; it consists of an academic component and a psychomotor skills component. This bifurcation is the result of postsecondary instructions attempting to implement and teach the board’s learning objectives with little to no guidance from the board. Until now, the bifurcated training system has never been described in rule. Because the proposed rules solidify the bifurcated system currently in place, both components are addressed in this definition. The amended definition makes it clear that “certification” means acknowledgement by the board to teach the academic or skills component (or both) of POPP.

Subpart 9a. The definition of “conviction” is similar to what it was. The text was amended to make the intent of the rule clearer and the language more concise. The language of the proposed definition resembles that of MN Statute [145A.061](#), subdivision 4 – which is the MN Department of Health’s definition of “conviction” for criminal background studies. The board’s definition includes expungements, Alford pleas, and pleas of no contest (to name a few) because the definition of “conviction” may be broader when it comes to professional licenses. The definition of “conviction” should be more expansive for law enforcement because of the nature of their work, access to private data, and dealings with the public. Individuals with criminal sexual misconduct, domestic, or other violent criminal convictions should not be eligible for a peace officer license even if their adjudication was withheld or not entered, stayed, expunged, or entered as an Alford plea/plea of no contest. Allowing such individuals to obtain a peace officer license would diminish public trust and law enforcement’s relationship with victims as well as the moral fiber of the profession.

Subpart 10. Subpart 10 was the definition for “coordinator” which is specific to the PPOE program. The key word in subpart 10 was changed to “program director or director.” In the proposed rules, the title of “coordinator” is replaced with “program director.” Program directors will be appointed by a certified school to manage the Peace Officer Preservice Program. The text of this subpart was changed to reflect the changes made in in rule 6700.0300 and 6700.0400.

Subpart 12a. The definition of “felony” was changed to reference the statutory definition which can be found in MN Statute [609.02](#), subdivision 2.

Subpart 15. The definition of “guest lecturer” was updated to make the language clearer and reflect the changes to rule 6700.0300.

Subpart 16. The phrase “a law enforcement” was added to the definition to make it clearer and consistent with the changes made to subpart 2.

Subpart 17. Subpart 17 was updated to reflect the changes made to rule 6700.0300 and to directly reference rule 6700.0900 on continuing education.

Subpart 20. In February of 2020, the United States Department of Education released a memo in which the department stated it holds all accrediting agencies to the same set of standards. This means the United States Department of Education does not differentiate between nationally or regionally accrediting organizations. As a such, the requirement that a postsecondary degree be awarded by a postsecondary institution that is accredited by a member of one of the six regionally accrediting associations was removed. The list of degree examples was also removed because the list was unnecessary. The amended rule now states the postsecondary institution must be accredited by a federally recognized accrediting association or recognized as meeting accreditation by the National Association of Credential Evaluation Services. For additional details, please see the justification for the changes made to rule 6700.0501, subpart 5 below.

Subpart 23. Postsecondary certificates are academic in nature, but they are not titles. The changes to this subpart are technical in nature and make the definition accurate.

Subpart 30. Due to the bifurcated preservice training system, law enforcement students often attend two schools to complete their preservice training – one school for the academic component and another for the skills component. A definition for “primary certified school” was needed to differentiate between the multiple schools a student may attend to complete their preservice training and to clarify which school is responsible for meeting the requirements described in rule 6700.0300 and 6700.0400.

Subpart 31. Having a primary school suggests there is a secondary school- therefore, a definition for “secondary certified school” was added to further differentiate between the multiple schools a student may attend to complete their preservice training. If a student goes to a secondary school, they do so to complete the psychomotor skills component. Therefore, the “secondary certified school” is defined as the school a student enrolls with to complete the psychomotor skills component if the institution is different than the primary certified school. This definition is needed to clarify which school is responsible for meeting the requirements described in rule 6700.0300 and 6700.0400.

Subpart 32. Because the proposed rules solidify the bifurcated preservice training system, it is necessary to define what “academic component” means. Categories 1 and 2 of the learning objectives have historically been referred to as the “academic component” of peace officer preservice training. This definition makes this rule by defining the “academic component” as categories 1 and 2 of the board’s learning objectives. This definition makes it clear which school is responsible for the requirements described in 6700.0300 and 6700.0400.

Subpart 33. Because the proposed rules solidify the bifurcated preservice training system, it is necessary to define what “psychomotor skills component” means. Categories 3 and 4 of the learning objectives have historically been referred to as “skills.” This definition makes this rule by

defining the “psychomotor skills component” as categories 3 and 4 of the board’s learning objectives. This definition makes it clear which school is responsible for the requirements described in 6700.0300 and 6700.0400.

Subpart 34. The proposed rule changes in rule 6700.0300 creates a Preservice Advisory Committee to assist in the development and upkeep of the learning objectives. Because this group is intended to be a standing committee, the board determined it was needed and reasonable to define the group and their purpose in the definitions section of chapter 6700.

Subpart 35. The term “adjunct instructor” was needed in the definitions section to make the instructor requirements described in rule 6700.0300 more clear. During the rule promulgation process, postsecondary institutions stated there is a shortage of adjunct instructors, especially in skills programs, and that increasing the professional requirements for adjunct instructors would be harmful to their programs. This definition was needed to clearly exempt adjunct instructors from some of the requirements listed in 6700.0300. This is a reasonable addition to help remedy the hardship the proposed rule would have placed on preservice programs across the state. The definition itself is reasonable because adjunct faculty are not considered full time by the institution that employs them. The definition was agreed upon by rulemaking contributors which included postsecondary institution instructors.

6700.0300 PROFESSIONAL PEACE OFFICER PRESERVICE PROGRAM 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:~~ The Peace Officer Preservice Program shall teach the learning objectives set by the board as prescribed. The learning objectives will relate to the following categories:

- ~~A. history and overview of the criminal justice system;~~ Category 1 - Core Competencies;
- ~~B. Minnesota statute law;~~ Category 2 - Foundational Knowledge;
- ~~C. constitutional law and criminal procedure;~~ Category 3 - Performance of Peace Officer Duties and Tasks; and
- ~~D. juvenile justice system and procedure;~~ Category 4 - Tools, Techniques, and Tactics.
- ~~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. When any of the learning objective categories are revised by the board, the board must give certified schools a reasonable period of time to adopt and implement the changes. A certified school's program director may waive a program participant's instruction on a particular subject matter or for a specific learning objective from learning categories 1 or 2 if the participant provides proof of equivalent training. The minimum standards of the psychomotor skills component will be provided by the board to certified schools. Learning objectives from categories 3 and 4 are ineligible for a waiver.~~

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.~~ **Preservice advisory committee.** The Preservice Advisory Committee provides support to the board and aids in the development of program learning objectives and categories. Both the board and the Preservice Advisory Committee reserve the right to consult with outside individuals who have specialized training and expertise in topics covered by the preservice program. Individuals appointed by the board to serve on the Preservice Advisory Committee will serve a 4-year term. At the end of a member's term, they may re-apply with the board for re-appointment.

- A. The Preservice Advisory Committee shall, minimally, consist of the following members selected by the board:
 - 1) two Peace Officer Preservice Program directors (at least one must be a director of a school offering the psychomotor skills component),
 - 2) two Chiefs of Police or designee (one from the metro area and one from greater Minnesota),
 - 3) two Sheriffs or designee (one from the metro area and one from greater

Minnesota).

- 4) two peace officers currently designated as a field training officer or a field training officer supervisor (one from the metro area and one from greater Minnesota).
- 5) one defensive tactics instructor,
- 6) one firearms instructor,
- 7) one emergency vehicle operations instructor,
- 8) two County Attorneys or assistant county attorney designee (one from the metro area and one from greater Minnesota),
- 9) one victim's rights advocate,
- 10) one mental health professional, and
- 11) two public members (one from the metro area and one from great Minnesota).

B. The Preservice Advisory Committee must:

- 1) conduct an annual review of the Peace Officer Preservice Program and provide a report to the board's subcommittee on training by December 1 of each year,
- 2) provide program recommendations to the board as needed and as a result of the annual review,
- 3) advise the board of pertinent changes in case law, industry standards, and best practices that affect the program, and
- 4) complete any other tasks requested by the board within the purview of the committee.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1 as applicable to their certification 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 6700.1800 precludes any certified school from ~~enacting rules which~~ establishing 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.~~

Compliance reviews of certified schools.

- A. A school certified and approved by the board to provide the Peace Officer Preservice Program must comply with the requirements prescribed in 6700.0300 and 6700.0400.
- B. A certified school must cooperate fully with scheduled and/or random compliance reviews by the board.
- C. The board reserves the right to conduct a compliance review on certified schools at any time. Certified schools will minimally be subject to a compliance review once every two years.

- D. The board will review the certified school's training materials, facilities, and/or equipment. During a review, a certified school must supply any documentation or records kept on their program or the participants, as permitted by law, to the board as requested.

Subp. 5. **Participation General applicant enrollment requirements for all certified schools.**

A. All certified schools ~~shall~~ must develop enrollment standards for admission to the professional peace officer education courses the Peace Officer Preservice Program. ~~These standards must measure the student's likelihood of successful completion of the program.~~ The enrollment standards must minimally prohibit students from enrolling in the program if they have been convicted of any crime listed as a disqualification from appointment to the position of peace officer under part 6700.0700, subpart 1, item D.

B. ~~No student may be admitted to the professional peace officer program who: A certified school must deny an applicant entry into the Peace Officer Preservice Program if the applicant does not, is unable, or refuses to comply with the provisions listed in item A. The denial will stand until such time as the applicant comes into compliance and meets the certified school's enrollment requirements. If an applicant is denied entry into a certified school's program for any reason, the certified school must inform the applicant of the basis for the denial in writing.~~

~~(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 D.~~

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. Prior to enrolling in the Peace Officer Preservice 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.~~

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. **Applicant enrollment requirements for certified schools providing the psychomotor skills component.** To enroll in the psychomotor skills component of the Peace Officer Preservice Program, individuals must complete the board's application and satisfy the requirements of this subpart. The program director of the certified school delivering the psychomotor skills component is responsible for ensuring applicants meet the requirements described in this subpart before they enroll in the psychomotor skills component.

- A. Applicants must possess a valid Minnesota driver's license or a valid license from another state. The applicant must acquire a copy of their driving record from the Minnesota Department of Public Safety, Division of Driver and Vehicle Services, and

- its equivalent from another state if licensed elsewhere. The records must be provided to the certified programs' director for review.
- B. Applicants must submit the board's physical assessment form, completed and signed by a licensed medical professional, to the certified program's director stating the applicant is free from any physical condition that would pose a threat to the health or safety of the applicant, other participants, or program instructors. The medical form should also state whether the applicant is able to perform the duties of a peace officer.
 - C. Applicants must submit to a psychological screening to assess their general suitability for law enforcement. A psychologist licensed in Minnesota or the state in which the psychologist practices must review the results of the screening and submit a written opinion stating whether the applicant is fit to enter the Peace Officer Preservice Program. An applicant is "fit" to enter the program if they do not pose a health or safety threat to themselves, other participants, or program instructors. The psychological screening must also satisfy Minnesota Statute, section 626.8471, subdivision 5(b)(2). Psychological screenings are valid for one year and must be valid at the time a student enrolls in the psychomotor skills component of the program. Primary schools may complete the psychological screening and transfer the results to a secondary school prior to a participant's enrollment in the skills component.
 - D. Applicants must pass a criminal history background check completed by the Bureau of Criminal Apprehension. Applicants must comply with applicable Minnesota Statutes and provide the required documents, fees, and other necessary items to the Bureau of Criminal Apprehension so the criminal history background check may be completed and shared with the POST Board and the certified school. If, as an adult, the applicant has lived or been arrested in another state, they must provide the certified school a criminal history report or its equivalent from that state.
 - E. Applicants must sign the board's advisory form and attest they meet the minimum selection standards as described in part 6700.0700. If an applicant is found not to meet the minimum selection standards, or the standards are violated while the individual is enrolled in a certified school's program, the applicant or participant will be denied entry into or removed from the Peace Officer Preservice Program. Applicants do not have to satisfy 6700.0700, subpart 1, items C, J or K to enroll in the program. Primary certified school program directors must use an applicant's criminal history and psychological screening to verify the applicant meets the minimum selection standards as they attested on the advisory form.
 - F. Applicants that are unable or refuse to comply with items A-E in this subpart, must be denied entry to the psychomotor skills component of the Peace Officer Preservice Program until such time as they come into compliance and meet all entry requirements. If an applicant is denied entry into a certified school's program for any reason, the certified school shall inform the applicant of the basis for the denial in writing.

Applicants attending multiple certified schools to complete the Peace Officer Preservice Program must complete the necessary steps and releases to allow certified schools to share enrollment data and information.

Subp. 6-7. **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.~~ Certified schools shall implement a records retention schedule for materials used to deliver the Peace Officer Preservice Program. Program materials shall be retained in compliance with applicable data practices laws, or minimally for seven years. The records must include any documentation that establishes compliance with the board's learning objectives and program, regardless of the location of the training.

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. The certified school shall implement a records retention schedule for documents that show the Peace Officer Preservice Program was completed by a participant. The records shall be retained in compliance with applicable data practices law, or minimally for seven years.~~

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. It is the responsibility of the certified school and director offering the psychomotor skills component to ensure Peace Officer Preservice Program applicants satisfy the program enrollment requirements described in subpart 6. Primary and secondary schools must communicate with one another if enrollment requirements are not met prior to a participant starting the psychomotor skills component or are violated while a student is enrolled.~~

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. Primary schools must complete an acknowledgement of training form and provide it to a secondary school prior to an applicant enrolling in the psychomotor skills component. On the form, the director of the primary certified school will attest the applicant has completed all the learning objectives from categories 1 and 2. Secondary schools are responsible for ensuring the form is received during the psychomotor skills component enrollment process.~~

E. By June 1 of each year, each certified school must submit to the board an affirmative action plan that includes specific and measurable goals regarding the recruitment and retention of female and minority students within the Peace Officer Preservice Program. The certified school must also supply the board a report evaluating the effectiveness of the school's affirmative action

plan during the previous calendar year.

~~Subp. 7 8. **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.~~

A. All instructors, including adjuncts, who teach a part of the academic component of a certified school's Peace Officer Preservice Program must:

- 1) possess a postsecondary degree;
- 2) have experience that equates to, at a minimum, three years of professional experience in law enforcement or a criminal justice related field, or have recognized professional training or education in the category or subject matter that they are teaching;
- 3) not have had a professional license or certificate revoked, rescinded, or currently or permanently suspended; and
- 4) have recognized training and experience to teach the program's subject matter.

B. All instructors, including adjuncts, who teach a part of the psychomotor skills component of a certified school's Peace Officer Preservice Program must:

- 1) Possess a postsecondary degree;
- 2) have experience that equates to, at minimum, three years of full-time work experience in law enforcement or a criminal justice related field;
- 3) not have had a professional license or certificate revoked, rescinded, or currently or permanently suspended; and
- 4) have recognized training and experience to teach the program's subject matter.

C. Full-time instructors must complete, minimally, an official 16-hour course in adult learning, instructor development, or curriculum development prior to or within the first two years of being employed as an instructor with a certified school. A college or university workshop or in-service training does not satisfy this requirement.

D. Certified schools must maintain documentation on each instructor who teaches any portion of the curriculum. The documentation must include the instructor's resume and relevant qualifications.

E. Subpart 8 does not apply to guest lecturers.

~~Subp. 8 9. **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: **Director Requirements.**~~

~~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.~~

A. An individual appointed as a certified school's program director must:

- 1) be employed full-time by the certified school for which they are appointed to the position of director;
- 2) possess a bachelor's degree or an advanced degree in law enforcement, criminal justice, education, social or behavioral science, or a related field;
- 3) not have had a professional license or certificate revoked, rescinded, or currently or permanently suspended;
- 4) have at least four years of experience as a full-time licensed or certified peace officer;
- 5) have at least two years of experience instructing or teaching; and
- 6) complete, minimally, an official 32-hour course in instructional supervision or evaluation prior to or within the first two years of being employed as a director with a certified school. A college or university workshop or in-service training does not satisfy this requirement.

B. Coordinators of Professional Peace Officer programs who were appointed prior to DATE may take on the role of director without meeting the new requirements of item A so long as they are appointed director with the same school and their appointment is continuous. If a coordinator's appointment is terminated or the individual seeks appointment with a different certified school, they must comply with the requirements listed in item A.

C. Certified schools must submit a director appointment form to the board for review and receive the board's approval before an appointee may take on the official capacity of director. The director appointment application will be vetted by the board's subcommittee on training before being sent to the full board for final approval. In certain circumstances, the board's subcommittee on training may approve a temporary program director until a permanent director is confirmed at the next board meeting.

D. When a certified school's director is no longer assigned to that position, the chief executive officer or designee of the certified school must notify the board as soon as the director's last day of assignment is known. Similarly, certified schools must notify the board when a new director has been identified and then follow the requirements described in item C. In certain circumstances, the board's subcommittee on training

may approve a temporary program director until a permanent director is identified.

~~Subp. 9 10. **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.~~ **Safety policies required.** Each certified school shall implement a formal written safety policy which incorporates specific rules, procedures, and protocols to ensure the safety of participants and staff as well as provide a safe, humane, and educationally sound learning environment. These policies must contain, minimally, the following:

- A. a process for participants to identify any preexisting injuries or medical restrictions which may affect their ability to safely participate in the program;
- B. a prohibition against unduly harsh training activities or training activities which are designed to humiliate or inappropriately accentuate a participant's shortcomings;
- C. the options available to support the mental health and overall well-being of program participants and instructors;
- D. a process for written documentation of details associated with any participant 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;
- E. guidelines to reduce or modify instructional pace and intensity during extreme heat, cold, or other adverse climatic or environmental conditions; and
- F. a prohibition against depriving participants of necessary food, water, or protective equipment when engaged in physical or psychomotor skills training.

~~Subp. 10 11. **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.~~ **Policies provided.** Program participants and instructors must be provided a copy of the published safety policies required in subpart 10. Instructors shall review these policies in the form of a safety briefing with participants prior to any psychomotor skills training.

6700.0300 Professional Peace Officer Education Preservice Program

After conducting a review of MN's Professional Peace Officer Education (PPOE) and comparing it to training programs used in other states, the POST Board determined the PPOE system was not working as efficiently or effectively as it should. This finding is evidenced by several factors. First, certified schools incorporate the POST Board's learning objectives into their own curriculum developed and maintained by the schools. As a result, no two schools incorporate the learning objectives into their PPOE programs the same way. The inconsistencies in how and when the learning objectives are taught to law enforcement prospects presents several issues. First, the inconsistencies make it difficult for the board, as the regulatory agency, to determine if a certified school is compliant with the learning objectives and other applicable rules within chapter 6700. To conduct a comprehensive review of a certified school, the board would have to audit every PPOE class at every school to ensure each learning objective is being taught. Conducting a review of this magnitude would be difficult considering the POST Board does not have the time, staff, or resources to accomplish such a task.

Second, the current PPOE system makes it difficult for the POST Board to determine how many hours each school spends on each learning objective. This is problematic because, as the regulatory agency, the POST Board should know and be able to answer questions from the public regarding peace officer preservice training hours. Even if the board did know how many hours the schools dedicate to each learning objective, with the current system, do the fact that schools incorporate the learning objectives into their programs differently, the number of hours would vary from school to school. This issue is further evidenced by the fact that numerous Chief Law Enforcement Officers (CLEOs) within the state have articulated to the board that they have noticed a lack of consistency in training among new recruits. More and more, CLEOs are reporting that they have to "start from square one" with new hires because they did not leave the PPOE system with the basic knowledge or skills necessary for an entry level peace officer position. This suggests either that the learning objectives are not being taught, or that not enough time is being spend on that learning objectives. When this happens, agencies have to spend time re-teaching new hires the learning objectives they should have learned during preservice training. This takes additional time and agency resources that should be reserved for other matters of public interest and safety. In its report, IADLEST (2020) stated:

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. This can be exacerbated when those officers work in the same department. Moreover, if content varies from school to school, this means that no two schools are providing the very best training. (p. 13)

The remedy IADLEST suggested to resolve this issue was for the board to develop lesson plans that would be the basis of a preservice education program. This would allow the board to set the number of hours required for each learning objective and as determine how the learning objectives are taught. In addition to promoting consistency, a uniform program created by the board would better guarantee that preservice training is in line with evidence based best practices.

Lastly, due to the nature of the current bifurcated training system, the PPOE system does not integrate the board's learning objectives as well as it could or should. Historically, entry level law enforcement training has been conducted with little to no integration – concepts are taught in “silos” and instructors moved forward from one topic to the next without referencing prior learning objectives. More recent research shows that integrated learning is best for the reinforcement and retention of foundational knowledge (Beer-Maxwell et al., 2024). According to Beer-Maxwell et al. (2024), who conducted a randomized control study on integrated law enforcement training principles, “integrating curriculum provides learners with beneficial problem-solving skills, encourages critical thinking, and positively impacts performance on knowledge measurements (p.2).” A standardized training program set by the board would ensure the learning objectives are being integrated throughout the program. In turn, this will help training program participants better retain the information they are taught and alleviate the pressure on law enforcement agencies who find themselves having to re-train new hires.

Based on the findings and conclusions discussed above, the board voted to standardize the psychomotor skills component of preservice training. The proposed changes to rule 6700.0300 reflect this decision. By standardizing skills, the board will be better able to regulate preservice training by ensuring the training is consistent (hours and method) and integrated. There are other program defects that the proposed rule remedies that were identified during the rulemaking process by IADLEST, law enforcement practitioners, preservice instructors, and the general public. This defects will be identified throughout this section. Readers will note that the term Professional Peace Officer Education (PPOE) is replaced in the proposed rules with Peace Officer Preservice Program (POPP). The name change is needed and reasonable to help individuals differentiate between the “old” and “new” training practices set by the board.

Subpart 1. Subpart 1 broadly lists the learning objectives that will be (and currently are) included in the board's preservice program. The 4 listed items are reflective of the broader categories of the learning objectives as opposed to the specific learning objectives themselves. The stricken items are learning objectives includes in the broader categories. All of the stricken topics will still be covered in the preservice program. Removing the reference in rule to specific, individual learning objectives gives the board greater flexibility to revise the learning objectives based on best practices and industry standards.

- A. The first item listed in the proposed rule is “core competencies.” Core competencies is one of the broader learning objective categories. This learning objective categories covers a wide range of topics including, but is not limited to, communication, ethical reasoning, critical thinking, problem-solving, decision-making, community service, cultural awareness, professionalism, and teamwork. The learning objective category is listed in rule instead of the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.
- B. The second item listed in the proposed rule is “foundational knowledge.” Foundation knowledge is one of the broader learning objective categories. This learning objective category covers a wide range of topics including, but not limited to, legal studies, human behavior, types of crime, crisis intervention, and intelligence led policing. The category is listed in rule as instead to the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.

- C. The third item listed in the proposed rule is performance of “peace officer duties and tasks.” Peace officer duties and tasks is one of the broader learning objective categories. This learning objective category covers a wide range of topics including, but is not limited to, practical law enforcement writing, interviewing, conflict management, legal process, and investigations. The category is listed in rule as instead to the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.
- D. The fourth item listed in the proposed rule is “tool, techniques, and tactics.” Tools, techniques, and tactics is one of the broader learning objective categories. This learning objective category covers a wide range of topics including, but not limited to, defensive tactics, firearms, use of force, radio use, and emergency vehicle operations. The category is listed in rule as instead to the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.
- E. The text was stricken because it was no longer needed.
- F. The text was stricken because it was no longer needed.
- G. The text was stricken because it was no longer needed.
- H. The text was stricken because it was no longer needed.
- I. The text was stricken because it was no longer needed.

After the items, subpart 1 goes on to state that the board must provide certified schools a reasonable period of time to adopt and implement any changes the board may make to the learning objectives. The term “reasonable period of time” is used to preserve deadline flexibility based on the needs of the schools and the extent/nature of the changes being made to the learning objectives. This paragraph goes on to say that program directors may waive a participant’s participation in learning objectives from learning categories 1 and 2 so long as the individual provides proof of equivalent training. This provision was previously in 6700.0300 subpart 2. This provision is important because it allows students who already have a degree to participate in “fast track” licensure programs. Without this provision, fast track programs will no longer be able to exist. Only learning objectives from categories 1 and 2 may be waived under the proposed rules because learning objectives from categories 3 and 4 (psychomotor skills) will be standardized – meaning the learning objectives have to be taught as prescribed by the board. This paragraph concludes by stating the psychomotor skills component will be provided to the schools by the board and explicitly states learning categories 3 and 4 may not be waived. The last two statements standardized the psychomotor skills component and guarantee all students will receive the same baseline psychomotor skills training based on the learning objectives.

A copy of the current learning objectives may be found on the POST Board’s website at <https://mn.gov/post/applicants/ppoeprogram/>.

Subpart 2. Throughout the rulemaking process, law enforcement practitioners, preservice instructors, and members of the public expressed to the board that they would like to participate more in the development and review processes regarding to preservice training. The original text

in subpart 2 was stricken and replaced. Subpart 2 discusses the Preservice Advisory Committee (PAC); a standing committee created by the board to provide support and assist in the development of the learning objectives and categories. In this section, the PAC is given the right to consult with outside individuals who have specialized training in the topics covered by the preservice program. This is important for ensuring the learning objectives are up to date and in compliance with evidence best practices. In addition to the scope and purpose of the PAC, this part also addresses how an individual becomes a member. The proposed rule states that members will be appointed by the board and will serve a 4-year term – after which individuals may apply for reappointment. The term limit was necessary to avoid life-long appointments and to ensure new individuals get a chance to apply. It is important and necessary that the board be transparent when making modification to the training program. The development and use of the PAC is a needed and reasonable way to promote transparency, increase stakeholder involvement, and to ensure the preservice program follows evidence-based practices.

A. Item A describes the membership of the PAC. PAC members need to have expert knowledge in the topic areas related to the learning objectives and be representative of the board's stakeholders. Subitems 1-11 list the PAC positions deemed necessary to ensure the group is able to fulfill the duties as prescribed by the board.

- 1) Subitem 1 states that the PAC must include two POPP directors, at least one of which from a school offering the psychomotor skills component. It is important to have individuals on the committee who deliver the learning objectives because they have firsthand knowledge of how best to deliver the learning objectives.
- 2) Subitem 2 states that the PAC must include two chiefs of police (or their designee), one from the metro and one from greater MN. It's important to have both the metro and greater MN police departments represented on the PAC because, due to resources and other factors, law enforcement agencies view the job tasks of an entry level police officer slightly different. Having both large and small agency representation will help ensure the needs of all law enforcement agencies are being met.
- 3) Subitem 3 states that the PAC must include two sheriffs (or their designee), one from the metro area and one from greater MN. It's important to have both the metro and greater MN sheriff's offices represented on the PAC because, due to resources and other factors, law enforcement agencies view the job tasks of an entry level police officer slightly different. Having both types of sheriff's offices represented ensures the needs of all sheriff's offices across the state are being met.
- 4) Subitem 4 states that the PAC must include two peace officers currently designated as a field training officer or a field training officer supervisor, one from the metro area and one from greater MN. Field training officers and supervisors oversee the training of newly hired officers right after they have completed preservice training. These individuals are considered experts on what an entry level peace officer needs to know and are responsible for

conducting any remedial training for new hires as needed. It's important to have both the metro and greater MN represented in this way because, due to resources and other factors, law enforcement view the job tasks of an entry level peace officer slightly different.

- 5) Subitem 5 states that the PAC must include one defensive tactics instructor. Defensive tactics is an important part of law enforcement training – especially during the psychomotor skills component. Having a defensive tactics instructor on the PAC to help advise the board on preservice training learning objectives is needed and reasonable because this is a targeted skill set that not many individuals have.
- 6) Subitem 6 states that the PAC must include one firearms instructor. Firearms is an important part of law enforcement training – especially the psychomotor skills component. Having a firearms instructor on the PAC to help advise the board on preservice training learning objectives is needed and reasonable because this is a targeted skill set that not many individuals have.
- 7) Subitem 7 states that the PAC must include one emergency vehicle operations instructor. Emergency vehicle operations is an important part of law enforcement training – especially the psychomotor skills component. Having an emergency vehicle operations instructor on the PAC to help advise the board on preservice learning objectives is needed and reasonable because this is a targeted skill set than not many individuals have.
- 8) Subitem 8 states that the PAC must include two county attorneys or an assistant county attorney designee, one from the metro area and one from greater MN. Although MN law does not necessarily change from one county to another, the board has decided it is important to ensure both the metro and greater MN receive representation on the PAC. These members are integral for advising the board on legal changes from the legislature or via case law.
- 9) Subitem 9 states that the PAC must include one victim's rights advocate. The individuals and groups who have a vested interest in peace officer preservice training is not limited to peace officers – advocacy and members of public have an interest as well. This position was added to the PAC to ensure the preservice learning objectives are in alignment with evidence-based practices related to victim advocacy.
- 10) Subitem 10 states that the PAC must include one mental health professional. Mental health and crisis intervention has been on the center state for law enforcement for some time – and for good reason. The board determined it was prudent to include a mental health professional to help ensure the preservice learning objectives are in alignment with evidence-based practices related to mental health services, de-escalation, and more.

- 11) Subitem 11 states that the PAC must include two public members, one from the metro area and one from greater MN. These positions are vaguer than the others, therefore, it allows for members of the public or the representative of a public organization to participate in the creation and revision of preservice learning objectives. Making public members positions available on the PAC is a reasonable way to increase public trust and transparency in the board's processes, which is needed.

Subpart 3. Under the new rule, certified schools will be able to seek certification for the academic component, the psychomotor skills component, or both. Certified schools are not required to teach all of the learning objectives. To make the board's intent clearer, a qualifier that states "as applicable to their certification" was added. The text that was stricken in the last sentence was not needed and the amendment makes the rule segment more concise.

Subpart 4. The old text of subpart 4 was stricken because it is no longer needed. Subpart 4 now outlines the compliance reviews that are to be conducted on certified schools to ensure they are compliant with the rules in chapter 6700. This provision is consistent with recommendations made by IADLEST in its audit (see page 12). Under the current PPOE system, compliance reviews, or spot checks, are not conducted. The formal visitation or review schools receive occurs during the recertification process, which occurs once every 5 years.

- A. The board is the regulatory agency appointed by the legislature who is responsible for peace officer preservice training. Item A states that schools must adhere to the rules in part 6700.0300 and 6700.0400. A certified school's compliance with those rule parts will be verified during any and all compliance reviews, therefore, it is a needed and reasonable to include this provision in rule to ensure certified schools know what is expected of them.
- B. Item B states certified schools must cooperate with scheduled and/or random compliance reviews. Both types of reviews are justified because the board is the regulatory agency appointed by the legislature that is responsible for peace officer preservice training. Certified schools are subject to the rules, which have the effect of law, included in parts 6700.0300 and 6700.0400. Compliance reviews are effective tools for ensuring compliance. They are also helpful for determining where a certified school may need additional support to be successful and compliant with the rules.
- C. Item C states that the board reserves the right to conduct a compliance review at any time. The board has the right to do so because it is the regulatory agency appointed by the legislature to oversee peace officer preservice training. Item C goes on to state that each school will be subject to a compliance review, minimally, once every 2 years. A 2-year cycle was selected because the renewal cycle is every 3 years. This ensures every school receive a review at least once in between its renewal cycles. This provision is needed and necessary to ensure the board and its staff perform their regulatory duties on a regular basis. Setting a minimum compliance review is also necessary to inform certified schools what the minimum review expectations are.
- D. Item D informs certified schools what items or materials are subject to inspection by the board during a review. The items listed include the certified school's training

materials, facilities, and equipment. These items are all related to rule or the learning objectives, therefore, it is needed and reasonable that the board would inspect them. This provision also states that certified schools must supply any documentation or records their program keeps on participants as permitted by law. This is needed and reasonable to ensure certified schools are complying with the minimum selection standards and psychomotor skills entry requirements described in rule. Without these materials, there would not be a way for the board to determine a certified school's compliance with the rule.

Subpart 5. The title of this part was changed to better reflect the information it covers. This section applies to all certified schools, regardless of which component of the program they are certified to deliver.

- A. There were some grammatical changes made to item A. Text that was no longer necessary as a result of the rule changes was stricken. The last sentence was modified to say that the enrollment standards for the program must disqualify anyone who does not meet the licensure requirements described in 6700.0700, subpart 1, item D. Students attending academic schools would still be able to take courses necessary to earn a degree, but they will not be able to complete or participate in the board program for licensure purposes.
- B. If a student does not cooperate with a certified school and does not, is unable, or refuses to comply with the provisions listed in item A, the certified school will deny a student entry into the board's program until they come into compliance. This provision is necessary and reasonable to ensure applicants comply with the board's rules and requirements as well as the school's. Although the board acknowledges individuals have a right to education, individuals who do not meet the requirements prescribed in chapter 6700 do not have a right to participate in the board's program for the purposes of licensure. The last section of this item states that, if denied entry, certified schools must inform applicants in writing if the basis for the denial. This is to promote transparency and to allow applicants the opportunity to come into compliance if it is possible for them to do so.
- C. Item C was updated to reflect the new name for the boards preservice program.

Subpart 6. The original text of subpart 6 was moved to subpart 7 and the rest of the subparts renumbered. Subpart 6 discusses the enrollment requirements for applicants to participate in the board's peace officer preservice training program. The title of this section reflects the content it covers. The requirements to enter the psychomotor skills component of the program were made more stringent ensure participants are eligible for licensure at the end of the program. Currently, and individual can enter a PPOE program and complete it without being eligible for peace officer licensure. The new eligibility requirements ensure that only those eligible for licensure may enroll in the psychomotor skills component. As the regulatory agency, the board has the authority to be more selective in who qualifies to participate in the psychomotor skills component as it is directly tied to licensure and individuals should only be entering the skills program for one purpose, which is to become an officer. This is a needed and reasonable method of ensuring that only those who are eligible for licensure are enrolling in the psychomotor skills component. This provision will also help prevent students from paying for a training program for a professional occupation they

are not eligible for. In the past, students have applied for the licensure examination and found out they are not eligible despite having already completed and paid for their degree and the PPOE program.

- A.** In the State of Minnesota, you must have a valid driver's license to drive a vehicle. This means peace officers must have a valid driver's license to drive a squad car. During the psychomotor skills component, program participants will have to drive and operate a vehicle during emergency vehicle operations training. This means the participant will need to have a valid driver's license. For this reason, it is needed and reasonable to require applicants to possess a valid driver's license prior to entering the psychomotor skills component. For a certified school to verify an applicant has a valid driver's license, the applicant must provide an official copy of their driving record to the certified school. If the applicant is licensed in a different state, that applicant will have to provide a driving record for their home state as well as MN. Non-MN driver's license holders must supply the certified school both records because MN has the power to revoke an individual's driving privileges within the state while that individual continues to be valid in their home state. For example, when a non-Minnesota resident is arrested for driving under the influence of a controlled substance, the state may revoke that individual's driving privileges. This means the person may no longer legally drive in MN. In these circumstances, the arrestee would still have a valid driver's license in their home state. This is needed and reasonable to ensure applicants and program participants are driving with valid licenses and that they have not had their MN driving privileges revoked.
- B.** Currently, PPOE program applicants are required to complete a physical (medical) evaluation form and return it to the certified school prior to entering the program. This requirement ensures the student is free from any physical condition that would pose a threat to the health or safety of the applicant, other participants, or program instructors. The form also states whether the licensed medical professional believes the applicant is able to perform the duties of a peace officer. Currently, each certified school uses their own form, and no two forms are the same. Item B aims to standardize this process. Under item B, the board will create a standard physical evaluation form for certified schools to provide applicants during the psychomotor skills component enrollment process. This is needed and reasonable to promote the safety of the applicant, program instructors, program participants, and the public.
- C.** Currently, applicants may not enroll in the PPOE program if they "pose a serious threat to the health or safety of themselves or others" (6700.0300, subpart 5 (B)(1)). This language was problematic because it suggested participants who pose a minimal or marginal threat may enter the program. This was not the intent of the rule. As a result, the old language was stricken and replaced. Item C requires a psychological screening be completed before an individual may enroll in the psychomotor skills component to assess their general suitability for law enforcement. Certified schools already do this to satisfy the old rule, so this provision makes the psychological screening rule as opposed to a standard operating procedure. The evaluation must be conducted by a psychologist licensed in Minnesota or the state in which the psychologist practices. The psychologist must then provide a written opinion to the certified school stating whether the applicant

is fit to enter the POPP. This provision states that an individual is “fit” to enter the program if they do not pose a health or safety threat to themselves or others. The evaluation is to be conducted by a licensed psychologist rather than a general mental health professional because that is what is required to be hired by an agency after training (6700.0675, item A). Licensed psychologists are also more likely to have experience with evaluating peace officers/future peace officers as they are the ones conducting pre-employment psychological screenings. Lastly, this provision states that evaluations are good for one year and that they may be completed by the primary school and transferred to the secondary school. This gives the certified schools and applicants flexibility as well as direction on how and when to complete the evaluation. This rule is needed and reasonable to promote the safety of the applicant, program instructors, other program participants, and the public.

- D.** Applicants of the preservice training program are required to supply a criminal history background check obtained from the Bureau of Criminal Apprehension (BCA) to the certified school’s director for review. This is to ensure the applicant does not have any convictions on their record that would prohibit or disqualify them from becoming a peace officer under Minnesota Rule 6700.0700. This provision prevents those who are licensure ineligible from entering the psychomotor skills component. A MN BCA criminal history will only detail MN specific offenses. As a result, the last sentence of this section states that if, as an adult, the applicant has been arrested or lived in another state, they need to provide an equivalent report to the program director from that state. This provision is only concerned about adult offenses because juvenile criminal histories cannot be used against them for licensing purposes per MN Statute 260B.245. This provision is needed and reasonable to prevent individuals who are ineligible for licensure from enrolling in the preservice skills component.
- E.** There are some provisions within Minnesota Rule 6700.0700 that cannot be verified through a criminal history background check as required in item D. As a result, item E requires preservice program applicants to sign a standardized advisory form created by the board. By signing the form, the applicant will attest they meet the minimum selection standards prescribed in rule. According to item E, if an applicant is found not to meet the minimum selection standards or the applicant violates the standards while enrolled in psychomotor skills, the applicant or participant may be denied entry into or dismissed from the psychomotor skills component. This item states that applicants do not need to meet the requirements in rule 6700.0700 subpart 1, items C, J, or K. This is because those items are specific to pre-employment, thus they are not applicable to preservice training. This provision is needed to ensure applicants are personally responsible for disclosing any background information that may make them ineligible for a peace officer license. This provision is reasonable because individuals are not eligible for licensure if they do not meet the minimum selection standards.
- F.** Item F makes it explicitly clear to applicants and program directors that if an applicant does not comply with items A-E, that they will be denied entry into the psychomotor skills component. The denial will last until the applicant meets the requirements to comply with the requirements. If an applicant is denied entry into the psychomotor skills

program, this provision states that the applicant must be notified in writing of the basis for the denial. This is an important transparency piece that ensures applicants are explicitly notified of the basis for the denial. This provision is needed and reasonable to keep all parties informed during the application/denial process.

The last paragraph of this part states that applicants must complete the necessary paperwork to allow certified schools to communicate and share data with each other if the applicant is completing the psychomotor skills component at a secondary school. This is needed and reasonable for ensuring all the rules of this chapter are being adhered to and that the schools are community with each other freely and effectively.

Subpart 7. Subpart 7 covers the responsibilities of the certified schools. This subpart was subpart 6 before it was re-numbered.

- A. Item A is similar to what was stricken. Item A states that certified schools must implement a record retention schedule and keep any data/materials that show their compliance with the POPP requirements. Records must be retained according to applicable data practices laws or, minimally, for seven years. This provision is more specific than the last, which is needed and reasonable to give certified schools additional guidance on what data they should be keeping and for how long. The IADLEST audit suggested data should be kept the length of a law enforcement officers' career— which could be 35 or more years depending on the person. The record retention period suggested by IADLEST was determined by the board to be too long. Such a long retention period may have resulted in certified schools incurring additional costs to keep enrollment and program data for that long. Seven years was selected as the retention period because it is a number commonly used for record retention purposes.
- B. Item B is similar to what was stricken, but this provision focuses on records that show a participant completed the POPP. This provision states that certified schools must implement a records retention schedule to document an individual completed POPP and that those records must be retrained according to applicable data practices laws, or, minimally, for seven years. Seven years was selected to keep the data retention period the same as item A. This provision is needed and reasonable to ensure data on a student's completion of the POPP is available for several years after they complete the program. It is needed and reasonable for the board to require certified schools to keep records for a certain period of time. This period to time covers the time frame allotted for a participant to take the examination after completing POPP.
- C. The stricken text of item C was moved to item E. Item C states that the certified school's director is responsible for ensuring applicants of the psychomotor skills component meet all of the requirements in subpart 6. There have been documented incidents of students making it through the skills program and then applying for the licensure examination despite the fact that they do not qualify for licensure under rule 6700.0700. In these cases, the board has been unable to act because the rules do not state who is ultimately responsible for ensuring students satisfy all the rule requirements. This provision is needed and reasonable to ensure the rules are being followed and to make someone or some entity is directly responsible if a rule is

violated. Knowing who is directly responsible for a rule violation also helps the board determine who may need additional guidance or education on the rules.

- D. The original text of item D was stricken as it is no longer needed in this section. Item D states that primary schools must complete and acknowledgement of training form and provide it the secondary school prior to an applicant enrolling in the psychomotor skills component. Currently, skills schools take academic schools at their word that an applicant has received all of the learning objective required in learning categories 1 and 2. This item formalizes the process and requires the primary schools to officially attest that an applicant has received and completed of the learning objectives the primary school was responsible for covering. Secondary schools are then responsible for ensuring they receive this form from the Primary School before they allow a student to officially enroll. This is a needed and reasonable way of holding each school accountable for the learning objectives for which they are certified.
- E. Item E is an edited version of what was item C. Item E directs certified schools to complete an affirmative action plan report by June 1 of each year for the previous year. This is required by 1997 MN Law Chapter 239, article 1, section 9. Putting this obscure statutory requirement in rule is needed and reasonable to ensure the requirement is not missed by any school or the POST Board.

Subpart 8. Subpart 8 discusses instructor requirements. The proposed rule is more detailed and explicit than the previous rule regarding instructor requirements. The board's goal is to continue to professionalize law enforcement training. In order to do so, there need to be rules in place that set the minimum requirements for program instructors. By setting minimum instructor requirements, the board will better be able to ensure that the individual's teaching POPP learning objectives are qualified and adequately trained.

- A. Item A lists the requirements for instructors teaching learning categories 1 and 2 in subitems 1 through 4.
 - 1) Subitem 1 requires instructors to have a postsecondary degree. In MN, peace officers are required to have, minimally, a 2-year degree. Rulemaking contributors felt it was needed and reasonable to have the same requirement for instructors. Instructors should not have to have the same level of a degree as program directors because they are not in charge of the whole program. This requirement is supported by the current practices certified schools have regarding the minimum education level instructors are required to have. The purpose of the rule is to set the minimum requirement, not the maximum.
 - 2) Subitem 2 requires instructors to have at least three years of professional experience in law enforcement or a criminal justice related field, or have recognized professional training or education in the category or subject matter that they are teaching. Some instructors are career researchers or have held a similar capacity. Said individuals may not have the traditional "work" experience needed to teach in the program. This item was broadened to

professional training or education to allow subject matter experts to teach in the program who do not have “work” experience.

- 3) Instructors who have had a professional license or certificate revoked, rescinded, or currently or permanently suspected should not be teaching future law enforcement professionals. This provision is needed a reasonable to make sure instructors are licensees in good standing with whichever licensing board they are under the jurisdiction of.
- 4) Individuals teaching the boards learning objectives should have relevant training and experience that makes them subject matter experts. This requirement allows for attorneys, mental health professionals, law enforcement personnel, and other relevant subject matter experts to teach program materials related to their field of expertise. This provision is needed and reasonable to ensure program instructors have the training and experience necessary to train future law enforcement professionals.

B. Item B lists the requirements for instructors teaching learning categories 3 and 4 in subitems 1 through 4.

- 1) Subitem 1 requires instructors to have a postsecondary degree. In MN, peace officers are required to have, minimally, a 2-year degree. Rulemaking contributors felt it was needed and reasonable to have the same requirement for instructors. Instructors should not have to have as high of a degree as program directors because they are not in charge of the whole program. This requirement is supported by the current practices certified schools have regarding the minimum education level instructors are required to have. The purpose of the rule is to set the minimum requirement, not the maximum.
- 2) Subitem 2 requires instructors to have at least three years of full-time professional experience in law enforcement or a criminal justice related field. Rulemaking contributors felt it was fair to require fewer years of experience for an instructor than the director. Three years also gives individuals enough time to experience a multitude of calls or scenarios while on the job – enhancing their ability to teach and speak to those situations. The provision of “or criminal justice related field” was added to allow attorneys and other subject matter experts to become instructors with a certified school for the psychomotor skills component. Rulemaking contributors recognize that subject matter experts, like attorneys, may be better suited to teach certain elements of the learning objective, like statutes.
- 3) Instructors who have had a professional license or certificate revoked, rescinded, or currently or permanently suspected should not be teaching future law enforcement professionals. This provision is needed a reasonable to make

sure instructors are licensees in good standing with whichever licensing board they are under the jurisdiction of.

- 4) Individuals teaching the boards learning objectives should have relevant training and experience that makes them subject matter experts. This requirement allows for attorneys, mental health professionals, law enforcement personnel, and other relevant subject matter experts to teach curriculum materials related to their field of expertise. This provision is needed and reasonable to ensure program instructors have the training and experience necessary to train future law enforcement professionals.
- C. Adults learn differently than children do, therefore, it is important instructors be able to recognize those differences and utilize education tactics that have been deemed effective in adult learning environments. Item C requires instructors to complete an official 16-hour adult learning, instructor development, or curriculum development course prior to or within the first two years of being employed as an instructor within a certified organization. The board believes this requirement supports MN's mission of professionalizing the field of law enforcement as it requires program instructors to train on how to be an effective instructor in an adult learning environment. Many of these courses are not free, thus, rulemaking contributors added the two-year deadline so that instructors may have the chance to work out financial logistics with their certified school. The minimum 16-hour requirement was selected after researching training courses that are currently available online. Existing courses on this topic range from 5 to 50 hours. The board did not want this requirement to be overly taxing, so they selected 16-hours (or two 8-hour days). The board felt 16-hours was a good medium that balanced the need to have well training instructors with any financial constraints schools or individuals may have. The rule states that workshops and in-service training offered to staff by the colleges or universities do not satisfy the 16-hour requirement. Workshops and in-service trainings were deemed to be continuing education rather than initial training, which is important to the success of instructors and students alike. This is a needed and reasonable requirement to ensure instructors are well trained and that students have instructors educated in adult learning.
- D. Instructors will be employed or hired by the certified school to teach the POPP. Certified schools are responsible for ensuring their instructors meet the requirements in rule and maintain the necessary documentation to demonstrate their compliance with chapter 6700. Item D explicitly states that certified schools must maintain documentation on each instructor who teaches any portion of the program. This documentation is to include the instructor's resume and relevant qualifications. This provision is needed and reasonable because it articulates what the board will require during a compliance review to ensure all of the rule provision are being met.
- E. Item E states that subpart 8 does not apply to guest lecturers. Guest lecturers are not full-time or adjunct staff; therefore, it would be unreasonable to require guest lecturers to meet the requirements of this part before providing instruction to program participants.

Subpart 9. Subpart 9 is a new segment that describes the minimum requirements to be appointed as a certified school's program director. The section on safety policies was moved to subpart 10. A subpart on program director requirements is needed to set the minimum qualifications certified schools must ensure an applicant has in order to become a program director. This is a reasonable method of ensuring program directors have the knowledge and experience necessary to oversee peace officer preservice training.

- A. Item A states an individual appointed as a certified school's program director must meet the requirements listed in subitems 1-4. Subitem 1 requires program directors to be employed full-time by the certified school for which they are appointed to the position of director. Running the board's program is labor intensive and the program director has a lot of duties assigned to them in rule. Therefore, it is needed and reasonable to expect the certified school staff member overseeing the program to be employed full-time.
- 1) Subitem 2 states program directors must possess a bachelor's degree or an advanced degree in law enforcement, criminal justice, education, social or behavior science, or a related field. Rulemaking contributors believed it was needed and reasonable to require the individual overseeing a police training program to have, minimally, a 4-year degree in a field related to law enforcement or education. This requirement ensures the program director understands policing and/or education.
 - 2) Subitem 3 states the program director must not have had a professional certificate or license revoked, rescinded, or currently or permanently suspended. Program directors who have had a professional license or certificate revoked, rescinded, or currently or permanently suspended should not be teaching future law enforcement professionals. This provision is needed a reasonable to make sure instructors are upstanding licensees and in good standing which whichever licensing board they are under the jurisdiction of.
 - 3) Subitem 4 requires directors to have, minimally, four years of experience as a full-time licensed or certified peace officer. Rulemaking contributors felt it was important to require the director to have law enforcement experience because the director will be overseeing learning objectives, training materials, and training scenarios directly related to law enforcement. The preservice training and the POPP program are directly tied to licensure and the duties of a peace officer. Therefore, it is reasonable to expect the director of a "peace officer preservice program" to have law enforcement experience. The program director is nonsynonymous with a department chair or head at a college or university. This provision is needed and reasonable to ensure the director of the program has the experience and expertise necessary to guide participants and other instructors in the delivery of the learning objectives.
 - 4) Peace officer preservice training is an educational program, therefore, subitem 5 requires the program director to have at least two years of experience

instructing or teaching. Rulemaking contributors did not want to narrow the pool of possible director applicants too much, so 2 years was determined to be a reasonable requirement to ensure the director, who will be overseeing other instructors, has some experience providing instruction in a classroom setting.

- 5) Subitem 6 requires the program director to complete, minimally, an official 32-hour course in instructional supervision or evaluation prior to or within the first two years of being employed as a director with a certified school. The board believes this requirement supports MN's mission of professionalizing the field of law enforcement as it requires program directors to train on how to be an effective instructional supervisor. Many of these courses are not free, thus, rulemaking contributors added the two-year deadline so directors may have the chance to work out financial logistics with their certified school. The minimum of 32-hours was selected because it equates to four 8-hour days of training (twice that of what instructors are required to complete). It is reasonable to expect program directors to complete training on how to supervise the instructors they are reasonable for as most supervisory positions require some form or level of training. This provision is needed to set the minimum number of training hours required. Lastly, this provision states that workshops and in-service training offered to staff by the colleges or universities do not satisfy the 32-hour requirement. Workshops and in-service trainings were deemed to be continuing education rather than initial training.
- B.** Item B is a grandfather clause that allows current PPOE coordinators to become the director of a preservice training program so long as they are appointed with the same certified school for which they served as the PPOE coordinator and the appointment must be continuous. Rulemaking contributors did not want to disqualify PPOE coordinators, who are already doing the work of a program director from being appointed to the position of director simply because they do not meet the new requirements. Rulemaking contributors did not want to negatively or adversely impact the employment of current PPOE coordinators. Therefore, this grandfather clause is needed and reasonable to help mitigate any employment hardships this rule would have otherwise caused.
 - C.** Item C states certified schools must submit a director appointment form to the board for review to receive the board's approval before an appointee may take on the official capacity of director. This is a current practice. This provision puts the application and approval process in rule. This provision is needed and reasonable to ensure directors and certified schools are satisfying rule requirements. This segment is also needed to avoid unpromulgated rulemaking.
 - D.** Item D describes what a certified school's responsibilities are when an individual is no longer appointed as director. In item D, the certified school is required to notify the board as soon as the director's last day of assignment is known and then follow the provisions of this subpart to appoint a replacement. This segment states that the board's subcommittee on training may appoint a temporary program director until a permanent

director can be found. This provision is needed and reasonable as it allows the board to be well informed as to who is responsible for each preservice program. Item D promotes accountability and transparency between the board and certified schools.

Subpart 10. Subpart 10, which was formally subpart 8, discusses the safety policies certified schools must publish to deliver the POPP. Law enforcement training can be physical and it requires trainees to work with a variety of tools and equipment that can be dangerous if not used properly. This subpart is needed and reasonable to ensure certified schools are providing a safe and educationally sound learning environment for program participants. The policies required under this provision are outlined in items A-F. All the items included in this subpart were part of the original rule except item C.

- A. Item A was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word “student” was replaced with “participant” and the word “the” was deleted as it is not grammatically necessary.
- B. Item B was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word “student” was replaced with “participant.”
- C. It is becoming increasingly popular for schools, treatment facilities, and employers to utilize what is referred to as “trauma informed practices” when working with students, patients, and staff. As a result, item C was added to the proposed rule to ensure certified organizations notify program participants of the options available to support the mental health and overall well-being of program participants and instructors. This provision is needed to ensure students and staff are informed of the resources available to them in the event they need assistance. Many schools and employers already do this or something similar, so it is reasonable to request certified schools put what options are available in writing and supply that document to program participants and staff.
- D. Item D, which was previously item C, was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word “student” was replaced with “participant.”
- E. In item E, which was previously item D, the word “to” was removed and “direct” was changed to “directing.”
- F. Item F, which was previously item E, was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word “student” was replaced with “participant.”

Subpart 11. The section on “policies provided” was previously subpart 9. This section was renumbered so that it is consistent with the rest of the rule. The language in this paragraph was updated to reflect the changes made earlier in this part. For instance, the word “students” was replaced with “participants” and the reference to subpart 8 was updated to reflect the reference to what is now subpart 10.

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 Minnesota Office of Higher Education. A school seeking certification from the board to deliver the academic or psychomotor skills component of the Peace Officer Preservice Program must submit an application to the board. The application must include the supporting documentation listed in this part to demonstrate compliance with subpart 2:~~

- ~~A. proof of accreditation;~~
- ~~B. a signed acknowledgement by the school's president or designee stating the school will teach the board's learning objectives as prescribed;~~
- ~~C. a director appointee and list of instructors including certifications and resumes; and~~
- ~~D. a strategic plan and a detailed list of the facilities, equipment, and locations the school intends to use to deliver the program and its learning objectives.~~

~~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. **Minimum requirements for certification.** To become certified to deliver the Peace Officer Preservice Program, the school must:~~

- ~~A. deliver the board approved learning objectives, and~~
- ~~B. possess or have access to the appropriate physical facilities and the necessary equipment for training based on the school's certification and the components they teach. The physical facilities and necessary equipment required for the psychomotor skills component includes, but not limited to, classrooms, a firearms range, space suitable and safe for defensive tactics training, and an emergency vehicle operations track~~

~~Subp. 3. **Certification.** The board's duties with respect to certification include the following: **Secondary training facilities.** Certified schools may use secondary training~~

locations or facilities for firearms and emergency vehicle operations training if:

~~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 Minnesota Office of Higher Education. 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 will be deemed to have expired and the school will be required to reapply for certification under the procedures in subparts 1 and 2.~~

A. the use of a secondary training location was disclosed to the board and approved during the initial application or re-application process, and

B. board staff have access to the secondary training facility or facilities to conduct inspections and compliance reviews as described in 6700.0300.

Subp. 4. **Application Review.** To certify a school to deliver any component of the Peace Officer Preservice program, the board must complete the following steps.

A. The board must review a school's application for certification and all supporting documents to ensure:

1) the school has provided proof of compliance with the program requirements described in part 6700.0300, subpart 1, and

2) the school seeking certification has the appropriate equipment and facilities to offer the program component for which a school is seeking certification.

B. The board must conduct a full inspection of the school's amenities, including

but not limited to, the school's training facilities and equipment as applicable to the school's certification request. The board will not approve a school for certification if a full inspection has not been completed.

Subp. 5. **Re-certification.** Every certified school is required to re-certify with the board to deliver the Peace Officer Preservice Program once every three years. Re-certification shall be granted by the board if the school is compliant with the provisions described in rule 6700.0300 and 6700.0400. At their discretion, the board may require a school to re-certify more than once every three years. If the board determines a school needs to re-certify prior to the three-year expiration, the board will provide the school reasonable notice.

~~Subp. 4 6. **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:~~ **Certified school requirements post certification.** Certified schools must comply with the requirements listed in this subpart. A school's failure to comply with the requirements listed in items A-F may result in disciplinary action by the board against the certified school or its director.

~~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;~~ Certified schools shall provide instruction according to 6700.0300, subpart 1 for which the school was certified.

~~B. filing with the board all information which the board requires;~~ Certified schools shall provide the board any requested documentation or information that shows the certified school is compliant with this part and rule 6700.0300.

~~C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;~~ The certified school must cooperate with any board review or investigation relative to its certification.

~~D. cooperation of the staff and faculty of a certified school~~ The certified school and its staff must cooperate 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.~~ Certified schools and staff must comply with the provisions in 6700.0300 to 6700.0500.

F. Certified schools and staff must comply with any order issued by the board.

Subp. ~~5~~ 7. ~~Sanctions~~ **Disciplinary action and sanctions.** ~~Sanctions for failure to comply with the requirements in subpart 4 that may be imposed upon a certified school or director by the board include, but are not limited to 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~~ 8. **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.

6700.0400 CERTIFICATION OF SCHOOLS

Subpart 1. The stricken text of subpart 1 listed certification application requirements for schools in paragraph format. The application requirements were taken out of the paragraph and listed as items. Subpart 1 now states that schools seeking certification must apply with the board and supply the listed subitems. This is a needed and reasonable structural change to make the requirements more discernable.

A. Schools are required to provide proof of accreditation to ensure the organization meets the board's definition of a "school."

B. A signed acknowledgement by the school's president or designee is needed to ensure school administrators are aware of the program's rules and requirements. The board was given statutory authority over peace officer education and training by the legislature; therefore, school administrators who may be not knowledgeable about peace officer education and training need to be made explicitly aware of the board's authority.

C. The board is ultimately responsible for the education and training of peace officers. Therefore, it is reasonable to require schools to provide the board a list of who is teaching the preservice training program materials. For the board to fulfill its role as the regulatory agency responsible for preservice training, the board will have to review information on program directors and instructors to ensure they meet the minimums qualifications described in rule.

D. For the board, it is not enough for a certified school to agree to teach the board's learning objectives or program. The board believes it is necessary for schools seeking certification to describe how they will teach the board's learning objectives and meet the program requirements. This includes describing what facilities and equipment the school will use to teach the learning objectives. This is a needed and reasonable request that ensures the schools seeking certification have the proper facilities and tools to deliver the board's learning objectives.

Subpart 2. The language regarding provisional certification was stricken from subpart 2. As the board and rulemaking contributors see it, a school either completed the certification process and received certification, or it has not. As a regulatory authority, it is reasonable for the board to require schools to meet all the certification requirements before becoming certified. This processes eliminates certification grey areas and makes the process cleaner for the board, board staff, and the schools seeking certification. The subpart was renamed to reflect this change and it goes on to describe the minimum requirements an organization must meet to receive certification. The requirements are listed in items A and B.

A. Item A states schools are required to deliver the board approved learning objectives in the manner prescribed by the board. This provision supports the requirements described in 6700.0300, subpart 1.

B. Item B lists the facilities and equipment schools seeking certification must have to deliver the board's learning objectives and program. The facilities added to this rule are classrooms, a firearms range, space suitable for defensive tactics, and an emergency vehicle operations track. It is necessary and reasonable to put the facilities required to teach the board's learning objectives into rule to ensure preservice trainees receive the proper training essential for an entry level peace officer position. The facilities and equipment needed by each schools will depend on their certification. For instance, academic component schools will not need an emergency vehicle operations track because learning objective categories 1 and 2 do not require it.

Subpart 3. The board's responsibilities regarding certification were moved to subpart 4, thus, the text in subpart 3 was stricken and replaced with information regarding secondary training facilities. The board understands that schools may need to use secondary training locations to deliver the board's learning objectives. Most commonly, secondary locations are used for firearms and emergency vehicle operations training. As a result, the board felt it was necessary and reasonable to describe the use of secondary training facilities in rule. This rule part states that secondary training facilities may be used by a certified school for firearms and emergency vehicle operations training if the conditions in items A and B are met.

A. Item A states that the use of a secondary training facility must be disclosed to and approved by the board during the school's initial certification application or re-certification process. Because the board is responsible for the preservice education of peace officers, it is necessary and reasonable that the board be informed as to where the training is taking place if not at the certified school itself.

B. As part of its regulatory authority, the board conducts compliance reviews on certified schools and law enforcement agencies. If a certified school is using or requesting to use a secondary training facility to deliver the board's curriculum, the facility will be subject to inspection by the board. Item B states that the board and its staff must have access to the secondary training facility to conduct reviews and inspections as described in Minnesota Rules 6700.0300, subpart 4 and 6700.0400, subpart 4. This is a necessary and reasonable requirement for a regulatory agency to have to ensure certified schools are following the provisions in rule.

Subpart 4. Subpart 4 discusses the board's responsibilities in the certification process. The original items listed in this part (A-C) were removed because there are no longer needed. The items are not needed because provisional certification no longer exists, the use of secondary training facilities is covered in subpart 3, and subpart 5 discusses recertification. The board's process is now outlined in items A-B.

A. As the regulatory agency, it is the board's responsibility to review school certification applications and all supporting documents to ensure the school has provided proof of compliance with the requirements in rule. It is necessary to put this responsibility in writing so that readers know what the board is responsible for. Subitems 1 and 2 get more specific as to what the board is looking for when reviewing a school's application.

1) Subitem 1 states the board will review application documents to ensure the schools has provided proof of compliance with 6700.0300, subpart 1.

2) Subitem 2 states the board will review application documents to ensure the schools has the necessary equipment and facilities to offer the learning objective categories the school intends to deliver.

B. Item B states the board must complete an inspection of the school's amenities to ensure it can deliver the learning objectives in the manner prescribed by the board. Due to the fact that the provisional certification section was removed, certification will not be granted until a full inspection has been completed. This is needed and reasonable to ensure the schools are ready to deliver the board's program.

Subpart 5. Subpart 5 discusses re-certification. Previously, subpart 3 stated certified schools were required to recertify with the board every 5 years. In its audit, IADLEST recommended a 3-year renewal cycle because it will allow the board to better address any issues with certified schools in a timely manner. In this part, the board adopted the recommendation made by IADLEST and schools are required to recertify every three years. This subpart goes on to state that a school's certification will be renewed if it meets the requirements described in rule 6700.0300 and 6700.0400. This part ends by stating the board may require a school to renew its certification more than once every three years. This provision gives the board a course of action in the event a school were to be out of compliance with the rules. Rather than going immediately to a certification revocation, the board could require a school to re-certify, prompting a comprehensive review the school's program. This provision allows the board an opportunity to partner with schools to help them be successful rather than revoking certification or implementing other punitive measures. This provision is necessary to give the board flexibly in how it brings a school into compliance with the rules.

Subpart 6. Previously subpart 4, the title of subpart 6 was changed to better represent its contents within it. Subpart 6 describes the duties and responsibilities of a certified school and its staff after receiving certification. It is necessary to detail what the board expects from schools after becoming certified to deliver the board's learning objectives to ensure schools comply with the rules and deliver the curriculum in the manner prescribed. The requirements are listed in items A-F.

A. Item A was updated to reflect the changes made to Minnesota Rule 6700.0300. If schools are achieving certification to deliver the board's learning objectives, the board expects the certified schools to do so after receiving certification. Putting this requirement in rule is needed and reasonable to hold certified schools accountable if they fail to deliver the learning objectives in the manner prescribed.

B. The old text was stricken and replaced. The new text states certified schools are required to provide the board any necessary documentation or information that shows the certified school is compliant with rule 6700.0300 and 6700.0400. Documentation is necessary to show that a certified school is compliant with the rules.

C. The content of item C is the same, the phrase was changed to a sentence structure.

D. The content of item D is mostly unchanged. The paragraph now ends in a period to fit the subpart structure and language was updated to “certified organizations” as opposed to “certified schools.”

E. The content of item E is the same, the phrase was changed to a sentence structure.

F. Item F states that certified organizations and their staff must comply with orders issued by the board. This language is used by other regulatory boards to ensure those subject to their authority follow official orders. The language is needed and reasonable to ensure certified schools and their staff obey and adhere to official board orders.

Subpart 7. Subpart 7 discusses the disciplinary actions and sanctions that may be taken if a certified school does not comply with the requirements described in Minnesota Rule 6700.0400. The title of this subpart was updated to better reflect the contents of the paragraph and the paragraph itself was updated to reflect other rule changes. These changes are needed and reasonable to make this part consistent with other rule changes.

Subpart 8. The subpart was renumbered, no text was changed.

**6700.0401 ~~CLASSROOM DISCRIMINATION;~~ PROGRAM COMPLAINT
PROCEDURES.**

Subpart 1. **Procedures.** Every certified school delivering a component of the Peace Officer Preservice Program must establish ~~written~~ and publish procedures for the investigation and resolution of ~~allegations of classroom discrimination~~ complaints within the program. 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~~ program director must provide all ~~new students~~ participants enrolled in the ~~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~~ program director must also provide all ~~faculty~~ instructors and staff members ~~who participate in courses as a part of the professional peace officer education program~~ a copy of the ~~written~~ published procedures required under subpart 1. ~~Also, The coordinator program director must make the procedures required under subpart 1 available to anyone else upon request.~~

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

6700.0401 ~~CLASSROOM~~ PROGRAM DISCRIMINATION; PROCEDURES

The previous title suggested discrimination needed to occur in the classroom for action to be taken. This is not the case. The title was changed to make it clear that any act of discrimination reported by a program participant may be investigated, whether it's in the classroom or elsewhere by another participant or instructor.

Subpart 1. The text of subpart 1 was updated to reflect the changes made to rule 6700.0300. In the digital age, procedures are kept in an electronic format, so the word “written” was stricken and replaced with a reference to “published procedures.”

D. The respondent is not the only individual who can or should be able to appeal a decision made by a certified organization regarding a claim of discrimination within a the program. Therefore. the language specifically referring to an “offending party” was removed.

F. The phrase “of procedures” was stricken because it is unnecessary.

Subpart 2. Text within subpart 2 was changed to reflect the changes made to rule 6700.0300. Specifically, key words specific to the PPOE system were replaced with key words used within the context of POPP.

Subpart 3. Text within subpart 3 was changed to reflect the changes made to rule 6700.0300. Specifically, key words specific to the PPOE system were replaced with key words used within the context of POPP. The word “written” was stricken as procedures are now commonly posed online or kept in an electronic format.

~~6700.0500 PEACE OFFICER LICENSING EXAMINATION.~~

Subpart 1. [Repealed, 14 SR 12]

REPEAL

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.~~

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Examination eligibility and Application.** ~~An applicant for any of the licensing examinations shall submit an application and documentation as required by the board. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2. Applications are valid for one year from the date they are approved by the board. An individual is eligible to take one of the peace officer licensing examinations if:~~

- ~~A. they have completed a postsecondary degree and all components of the Peace Officer Preservice Program as described in part 6700.0300, or~~
- ~~B. they meet the reciprocity requirements described in part 6700.0501 or Minnesota Statute, section 626.8517.~~

~~When applicable, applications must include a transcript showing the completion of a postsecondary degree and documentation that proves the applicant successfully completed the Peace Officer Preservice Program. All applications must also include the nonrefundable fee in subpart 2.~~

Subp. 2. **Nonrefundable fee Examination Fees.** ~~A nonrefundable fee, determined by the board, shall be paid to the board before taking a licensing examination. the following licensing examinations:-~~

- ~~A. peace officer licensing examination, \$105; and~~
- ~~B. reciprocity examination, \$105.~~

Subp. 3. **Retaking examinations.** ~~An applicant who fails an examination will be allowed to retake that examination three additional times. , upon furnishing to~~ For each retake of the examination, an applicant must submit to the board a renewed written application and the appropriate fee. The third and fourth examination application will require the applicant to complete a remedial training plan as described in subpart 4. No individual will be allowed more than four attempts to pass the Peace Officer Licensing Examination.

Subp. 4. **Remedial examination procedures.** ~~Before applying to take the examination a third or fourth time, or subsequent retake of the examination will require the applicant, in collaboration with board staff, must to submit to the board and complete a remedial training plan. Documentation that shows the remedial training plan was completed must be provided to the Executive Director for review. 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: After the documents have been reviewed and approved, the applicant may apply to take the examination.~~

- ~~A. training activities to be completed;~~ A remedial training plan completed by an applicant must be directed at the deficiencies indicated in the applicant's previous examination and may include the following documentation:
 - 1) the training activities and/or courses completed; and/or
 - 2) the appropriate documentation of completion from the instructor or organization delivering the training activity or course, including documentation of the date the training activity or course was 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. **Reciprocity examinations.** Reciprocity applicants will not be allowed to take the reciprocity examination more than four times. A third and fourth reciprocity examination application will require the applicant to submit and complete a remedial training plan as described in subpart 4 prior to taking the examination. The examination limit does not apply to military service members seeking reciprocity. Military service members taking the reciprocity examination must complete a remedial training plan as described in subpart prior to taking the examination a third or subsequent time.

~~Subp. 5.6. **Reinstate eligibility Application expiration.** The eligibility for a person to take the an examination in subpart 2 shall be void one year after the application to take the examination was received by the board. After an examination application is approved, the applicant has one year to take the examination. After one year, the application will expire. The fee and any supporting documents submitted with the examination application are become invalid at the same time the application becomes void invalid. In order to reinstate eligibility reapply for an examination, the person shall comply with subparts 1 and 2.~~

Subp. 7. **License eligibility.** An individual is eligible to be licensed for three years after completing and passing one of the peace officer licensing examinations. If the individual is not licensed after three years, the individual may reinstate eligibility by retaking and passing one of the peace officer licensing examinations. Upon successful completion of one of the examinations, a person will be eligible to be licensed for another three years.

- A. Regardless of when the last examination was taken or when the license eligibility period expires, an individual will have 5 years to become licensed after completing the board's preservice program.

6700.0500 PEACE OFFICER LICENSING EXAMINATION

Rule 6700.0500 has had some of its subparts repealed through previous rulemaking projects. In the proposed rule, subparts 3 and 5 are stricken and the relevant information has been integrated with part 6700.0600 on licensing examinations. It is unnecessary to have two separate rule parts that discuss “peace officer licensing examinations” or “licensing examinations” when the relevant information can be covered in one section. It is reasonable to repeal this rule part because doing so will help individuals find the information regarding the peace officer licensing examinations in one location.

6700.0600 LICENSING EXAMINATIONS

Subpart 1. The title of subpart 1 was amended to better reflect its contents. Previously, an individual’s eligibility to take the examination was covered in part 6700.0500. Subpart 1 states applicants are eligible to take a licensing examination if they meet the requirements described in items A or B.

A. Item A states individuals qualify to take the licensing examination if they have completed a post-secondary degree and all components of the Peace Officer Preservice Program as described in part 6700.0300.

B. Item B states and individual is eligible to take the licensing examination if they meet the reciprocity requirements described in part 6700.0501 or Minnesota Statute 626.8517 (military reciprocity).

The last paragraph of subpart 1 describes the documentation applicants need to include, as applicable, with their examination application to show they meet the requirements herein. This documentation may include a transcript showing the completion of a postsecondary degree and proof that the applicant successfully completed a preservice program. This provision is necessary and reasonable to ensure examination applicants meet all the examination requirements. Lastly, subpart 1 states a nonrefundable fee must be paid prior to taking the examination. The examination fee is described in subpart 2.

Subpart 2. The title of subpart 2 was changed from “Nonrefundable fee” to “Examination Fees.” The new title is more appropriate because it makes it clearer to readers which nonrefundable fee is being discussed. The examination fees are determined by the board, so that language was added. This change is needed and reasonable to ensure readers know who determines the examination fees. The language specific to the individual examinations and their associated fees (contained in items A and B) was removed. There are more examinations offered by the board than the two listed in items A and B. For example, the board offers the general licensing examination for those who complete their degree and preservice training, but the board also offers restoration, reinstatement, and reciprocity examinations. The fee for all the examinations is \$105; therefore, it is unnecessary to list each examination and its fee within rule. More detailed information regarding the licensing examinations and their applicable fees can be found on the board’s website.

A. Item A was stricken because it is unnecessary.

B. Item B was stricken because it is unnecessary.

Subpart 3. Currently, there is not a limit on the number of times an individual may take the peace officer licensing examination. The first two sentences of the proposed rule were modified to make the language and examination requirements clearer to the reader (i.e. that each retake of the examination requires a new application and fee payment). The proposed rule states that a third or fourth examination attempt will require the applicant to develop and complete a remedial training plan as described in subpart 4. The remedial training plan is important because it helps applicants identify the areas where they are deficient and complete remedial training to improve their proficiency. Finally, the proposed rule states that no individual will be allowed more than four attempts to pass the peace officer licensing examination.

In 2024, IADLEST compiled data from POST boards across the nation on law enforcement standards, training, certification, and licensing. IADLEST then published the data in a booklet called “The Sourcebook.” Section 2 of the sourcebook covers selection standards data. In this section, 49 POST Boards answered questions regarding licensing examinations. Of the 49 states that responded, 32 (65%) indicated their state has a licensure/certification examination requirement (Q58). Of the states that indicated they have a licensure/certification examination requirement, 94% reported they allow individuals who fail the examination to retake. Most of those states, 81% to be exact, stated they do not allow more than 2 examination retakes (or 3 attempts overall). Minnesota and Texas are the only states that allow individuals to retake the examination more than three times. This makes MN an outlier when it comes to practices regarding licensing examination retakes. It is the board’s position that these statistics demonstrate the need and reasonableness for limiting the number of examination attempts an individual is allowed after completing preservice training.

The need and reasonableness of implementing an examination attempt limit is affirmed by the passing rates observed per examination retake over the past five years. The passing rate for the examination, overall declines with each examination attempt. Here is a breakdown of the pass rate per examination attempt from 2020 through 2024:

- 83.9% pass the examination on the **first** attempt
- 53.09% pass the examination on the **second** attempt
- 39.3% pass the examination on the **third** attempt
- 37.03% pass the examination on the **fourth** attempt (one remedial plan)
- 34.62% pass the examination on the **fifth** attempt (two remedial plans)
- 50% pass the examination on the **sixth** attempt (three remedial plans)
- 16.67% pass the examination on the **seventh** attempt (four remedial plans)
- 0% pass the examination on the **eighth** attempt (five remedial plans)
- 0% pass the examination on the **ninth** attempt (six remedial plans)

As can be observed, the passing rate declines with each examination attempt (with the exception of the sixth attempt, which the board considers an outlier to the general downward trend). This is another justification for implementing an examination attempt limit.

Subpart 4. Remedial plans are currently required for a third examination attempt and are developed, in collaboration with board staff, to target the areas of the examination the applicant was deficient. The language of subpart 4 was updated to better reflect the board's current standard operating procedures regarding remedial plans. Specifically, the proposed language states that the remedial plan must be developed and completed prior to taking the examination a third or fourth time and that proof of completion must be submitted to the Executive Director for approval. The stricken language stating that the remedial plan must cover examination deficiencies was moved to item A.

A. The previous language of item A, which began listing the types of supporting documentation that may be submitted to show a remedial plan was completed, was stricken. The language was stricken due to the language changes in subpart 4 – item A no longer needs to be a list of items. In the proposed rule, item A states that a remedial training plan completed by an applicant must be directed at the deficiencies indicated in the applicant's previous examination. Item A ends by stating documentation showing the completion of the remedial plan may include the items listed in subitems 1 and 2.

1) Subitem 1 is new and includes language that was stricken from item A. Subitem 1 states remedial plan documentation may include the training activities and or courses completed.

2) Subitem 2 is new and states that remedial plan documentation may include a certificate of completion from the instructor or organization delivering the training activity or course, including documentation of the date the training or activity course was completed.

B. Item B was stricken because it is no longer needed.

C. Item C was stricken because it is no longer needed.

The provision regarding additional fees for each administration of the examination was stricken as this information is covered in subpart 3.

Overall, the proposed changes in subpart 4 are needed to clarify the remedial plan process and to put standard operating procedures related to the remedial plan into rule. The board wants examination applicants to be successful and pass the examination, and the remedial plan allows board staff to become an active participant in that process- ensuring the applicant is getting help and additional training as applicable. This makes the remedial plan process, on its face, a reasonable method of helping examination applicants. These are needed and reasonable measures to help applicants be successful on the examination.

Subpart 5. Subpart 5 is new and addresses how many times a reciprocity seeker may take the reciprocity examination. Currently, there is not a limit on the number of times a reciprocity seeker may take the examination. Subpart 5 is in alignment with subpart 3, for the same reasons, and states no individual will be allowed to take the reciprocity examination more than 4 times. Subpart 5 also states that a third and fourth reciprocity examination attempt will require the

applicant to partake in the remedial training plan process outlined in subpart 4 prior to taking the examination. This provision is needed and reasonable for the same reasons outlined in subpart 3. It would be unreasonable to allow reciprocity seekers, who have law enforcement experience, more examination attempts than those who have recently completed preservice training. The limit on examination attempts does not apply to military reciprocity seekers as their requirements are dictated by statute.

Subpart 6. Subpart 6, which was previously subpart 5 titled “Reinstate eligibility”, was renamed “Application expiration” to better reflect its content. This paragraph applies to all the board’s examinations; therefore, the language was broadened, making its applicability clearer. The language in the last sentence of this part was modified to make the text simpler.

Subpart 7. Subpart 7 is a new segment that discusses how long an individual is eligible for licensure after taking the examination. Specifically, the new text of the rule states that a person is eligible to be licensed for 3 years after successfully completing a peace officer licensing examination- this includes the reciprocity examination. If a person is not licensed within those three years, they may again reinstate eligibility for another 3 years by re-taking and passing the examination. This information itself is not new to rule as it was taken from the stricken text of 6700.0500, subpart 5.

B. Current rule does not state how long, an individual has after completing preservice training to become licensed. Therefore, an individual who completed their preservice training 20 years ago is eligible to take the examination and apply with a police department without having to complete any additional training. The board and its stakeholders find this problematic. The board and rulemaking contributors felt it was important to limit the number of years an individual is eligible to take the examination or become licensed as a peace officer after completing preservice training – the board does not want individuals to remain “license eligible” indefinitely. It is in the best interest of the public and other law enforcement professionals to limit the period for which an individual may qualify to take the examination after completing preservice training to ensure the individuals are properly trained and have received the most up to date training possible. Item A states that an individual must become licensed within 5 years of completing their preservice education. If the individual does not become licensed within that time frame, they must again re-enroll in and complete the POPP. The 5-year limit was selected because the board felt it allowed individuals the flexibility to accommodate life events while balancing the need of the public and other officers. The 5-year limit provision in item A was written so that it supersedes the license eligibility described in subpart 7. If an individual has 2 years of license eligibility left based on when they last took the examination, but the 5-year period post preservice training has elapsed, that individual will no longer be eligible for licensure.



Board of Peace Officer Standards and Training

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

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CERTIFICATE OF THE BOARD OF PEACE OFFICER STANDARDS AND TRAINING; AUTHORIZING RESOLUTION

Proposed Amendments to Rules Governing Peace Officer Standards and Training, Minnesota Rules, Chapter 6700; Revisor's ID Number 4750

I, Luke Hennen, certify that I am a member and the Chair of the Board of Peace Officer Standards and Training (POST), a board authorized under the laws of the State of Minnesota; that the following is a true, complete, and correct copy of a resolution that the POST Board adopted at a properly convened meeting on January 22, 2026; that a quorum was present; and that a majority of those present voted for the resolution, which has not been rescinded or modified. The Board resolved the following:

1. The Executive Director of the POST Board is authorized and directed to sign the Second Request for Comments for rulemaking project R4750. The Executive Director must give this notice to all persons who have registered their names with the POST Board for that purpose. The Executive Director must also publish the notice in the State Register. Furthermore, the Executive Director is authorized and directed to do anything else needed to distribute the notice.

January 22, 2026

Luke Hennen, Chair
Board of Peace Officers Standards and Training

Subd. 13. **Summary suspension.** In any case where the commissioner has issued an order to revoke, suspend, or deny a license, registration, certificate, or permit under subdivisions 11, paragraph (b), and 12, the commissioner may summarily suspend the person's permit, license, registration, or certificate before the order becomes final. The commissioner shall issue a summary suspension order when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, untrustworthy, or dishonest acts against the public, including but not limited to violations of section 181.723, subdivision 7. The summary suspension shall not affect the deadline for submitting a request for hearing under subdivision 12. If the commissioner summarily suspends a person's permit, license, registration, or certificate, a timely request for hearing submitted under subdivision 12 shall also be considered a timely request for hearing on continuation of the summary suspension. If the commissioner summarily suspends a person's permit, license, registration, or certificate under this subdivision and the person submits a timely request for a hearing, then a hearing on continuation of the summary suspension must be held within ten days after the commissioner receives the request for hearing unless the parties agree to a later date.

Subd. 14. **Plan for assessing penalties.** The commissioner may prepare a plan for assessing penalties in orders issued under subdivision 7 or 12. The commissioner shall provide a 30-day period for public comment on any such plan. Penalties assessed by the commissioner in accordance with the plan shall be presumed reasonable.

Subd. 15. **Effect on other laws.** Nothing in this section shall be construed to limit the application of other state or federal laws, including specifically but not exclusively section 270C.72, that require suspension of, revocation of, denial of, or refusal to renew a permit, license, registration, or certificate issued by the commissioner.

Subd. 16. **Misdemeanor penalties.** Except as otherwise provided by law, a person who violates an applicable law is guilty of a misdemeanor.

Subd. 16a. **Additional penalties and damages.** Any person who delays, obstructs, or otherwise fails to cooperate with the commissioner's investigation may be issued a penalty of \$1,000. Each day of delay, obstruction, or failure to cooperate shall constitute a separate violation.

Subd. 17. **Revocation and suspension of license.** If a person fails to pay a penalty owed under this section or section 326B.083, the commissioner may revoke, suspend, or deny any or all licenses, permits, certificates, and registrations issued by the department.

History: 2007 c 140 art 3 s 2; 2008 c 337 s 42-46; 2009 c 86 art 1 s 58; 2010 c 183 s 1; 2013 c 85 art 2 s 5; 2015 c 54 art 1 s 2; 1Sp2019 c 7 art 9 s 4-6; 2024 c 127 art 10 s 16-24

(b) Notwithstanding this subdivision or subdivision 5 or 5a to the contrary, the person against whom the cease and desist order is issued and who has requested a hearing under subdivision 5a may within 15 days after service of cease and desist order bring an action in Ramsey County District Court for issuance of an injunction to suspend enforcement of the cease and desist order pending a final decision of the commissioner under subdivision 5a to vacate or make permanent the cease and desist order. The court shall determine whether to issue such an injunction based on traditional principles of temporary relief.

Subd. 6. Violations and penalties. The commissioner may impose a civil penalty not to exceed \$10,000 per violation upon a person who violates any law, rule, or order related to the duties and responsibilities entrusted to the commissioner unless a different penalty is specified. If a civil penalty is imposed on a health carrier as defined in section 62A.011, the commissioner must divide 50 percent of the amount among any policyholders or certificate holders affected by the violation, unless the commissioner certifies in writing that the division and distribution to enrollees would be too administratively complex or that the number of enrollees affected by the penalty would result in a distribution of less than \$50 per enrollee.

Subd. 7. Actions against licensees. (a) In addition to any other actions authorized by this section, the commissioner may, by order, deny, suspend, or revoke the authority or license of a person subject to the duties and responsibilities entrusted to the commissioner, as described under section 45.011, subdivision 4, or censure that person if the commissioner finds that:

- (1) the order is in the public interest; and
- (2) the person has violated any law, rule, or order related to the duties and responsibilities entrusted to the commissioner; or
- (3) the person has provided false, misleading, or incomplete information to the commissioner or has refused to allow a reasonable inspection of records or premises; or
- (4) the person has engaged in an act or practice, whether or not the act or practice directly involves the business for which the person is licensed or authorized, which demonstrates that the applicant or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act under the authority or license granted by the commissioner.

(b)(1) The commissioner shall issue an order requiring a licensee or applicant for a license to show cause why the license should not be revoked or suspended, or the licensee censured, or the application denied and provide the licensee or applicant an opportunity to request a hearing under the contested case provisions of chapter 14. The order must: (i) state the reasons that an order is being sought and whether a civil penalty is sought; and (ii) inform the licensee or applicant that unless the licensee or applicant requests a hearing on the matter within 30 days of receipt of the order, it becomes final by operation of law and that a final order will be issued under paragraph (a). If a hearing is requested by the licensee or applicant pursuant to item (ii): (A) the commissioner shall, within 15 days of receiving the request, set the date and time for the hearing and notify the licensee or applicant of those facts; and (B) the commissioner may modify, vacate, or extend the order, until the commissioner issues a final order under paragraph (a).

(2) The commissioner may, by order, summarily suspend a license pending final determination of an order to show cause issued under clause (1). If a license is suspended pending final determination of an order to show cause and the licensee requests a hearing on the matter within 30 days of receipt of the order to show cause, a hearing on the merits must be held within 30 days of receipt of the hearing request. The summary suspension or summary revocation procedure does not apply to action by the commissioner against the certificate of authority of an insurer authorized to do business in Minnesota.

Attachment A: Cover Letter

Minnesota Board of Peace Officer Standards and Training (POST Board)
Attention: Rules and Policy Division
1600 University Avenue West, Suite 200
Saint Paul, MN 55104

Re: Submission of Proposed Rule Language – Cooperation with Independent Investigations

Dear Members of the Council:

As a member of the Public Safety Advisory Council, I submit the enclosed Cooperation with Independent Investigations proposal to, above all else, demonstrate that our Council and its partners can act responsibly and in alignment with the expectations of both the enabling statute and the communities we serve. The purpose of this proposal is to strengthen professional standards by providing officers with clear, fair, and constitutionally sound guidance when participating in independent investigations of use-of-force incidents. It reflects confidence in the capacity of Minnesota law enforcement to uphold accountability from within while maintaining the trust of the public we all serve.

This proposal is consistent with the statutory authority and purpose of the Public Safety Advisory Council as established under Minnesota Statutes, section 626.8435, which directs the Council to advise the Board on police accountability, community relations, and the standards of conduct and training for peace officers. The statute specifically charges the Council with providing recommendations that improve transparency, build public trust, and strengthen professional standards within Minnesota law enforcement. By clarifying expectations for officer cooperation during independent investigations, this proposal directly advances those objectives. It promotes accountability while protecting due process, improves interagency transparency, and supports the Council's role in helping the POST Board ensure that the state's licensing framework reflects both the highest professional standards and the public's confidence in fair and ethical policing.

This language emerged from a seven-month process involving a consortium of legal and policy organizations committed to enhancing public safety and civil liberties. This group includes the representatives from organizations such as The Policing Project, The American Civil Liberties Union of Minnesota, The Legal Rights Center, The Minnesota Board of Public Defense, The Minnesota Association of Criminal Defense Lawyers, The Minnesota Justice Research Center among others.

The group examined several potential proposals and ultimately selected this one, which originated from discussions surrounding HF 2089, because it most closely aligns with Minnesota Rule 6700.1600, Subpart E(2) and 6700.1610. That rule already requires officers to report unauthorized uses of force within 24 hours. This proposal builds on that principle by providing a clear administrative process for cooperation across agencies while preserving the full legal protections afforded under *Garrity v. New Jersey* and the Fifth Amendment.

This rule is important because it supports officers who act with integrity and encourages them to report or assist in addressing misconduct when it occurs. It recognizes the difficult position officers may face when asked to provide information in sensitive investigations and gives those who are not under investigation a clear and routine process for fulfilling their professional duties as required under their license. At the same time, it safeguards due process by defining clear limits on when cooperation may be compelled. Together, these provisions promote confidence, consistency, and integrity in the investigative process.

Ultimately, this rule represents a modest, practical improvement to existing standards. It offers clarity and consistency, supports officers who act in good faith, and aligns with the POST Board's ongoing commitment to maintaining high professional standards and public confidence in Minnesota law enforcement.

Respectfully submitted,

Carl Crawford

Member, Public Safety Advisory Council

Minnesota Board of Peace Officer Standards and Training

Attachment B: Proposed Rule Language

6700.XXXX COOPERATION WITH INDEPENDENT INVESTIGATIONS.

This part establishes clear expectations for interagency cooperation during independent investigations of use-of-force incidents involving peace officers, while maintaining constitutional protections and due-process rights.

Subpart 1. General requirement.

When a law enforcement agency that does not employ a peace officer conducts an investigation into an incident involving that officer's use of force, the investigating agency has the authority to require any peace officer to answer questions, produce records or evidence relevant to the investigation, and otherwise cooperate with the investigation, in addition to the licensee obligations under part 6700.1600, subpart 1E(2) and 6700.1610.

Subp. 2. Limitations.

A law enforcement agency must not compel a peace officer to answer questions, produce records or evidence, or otherwise cooperate with an investigation if:

- A. the officer is a subject of the investigation;
- B. the officer is otherwise accused of wrongdoing by the investigating agency; or
- C. the investigating agency or office determines that it is reasonably foreseeable that criminal charges may be brought against the officer arising from the matter under investigation.

The investigating agency may require a peace officer described in subpart 2 to provide records or evidence that are entirely non-testimonial in nature and that do not implicate protections afforded under the Fifth Amendment to the United States Constitution or under *Garrity v. New Jersey*, 385 U.S. 493 (1967), and its progeny.

Subp. 3. Cooperation with prosecuting agencies.

Licensees who are not exempted under subpart 2 must also answer questions, produce records or evidence relevant to the investigation, or otherwise cooperate with the investigation when requested by a prosecuting agency, in addition to the licensee obligations under part 6700.1600, subpart 1E(2) and 6700.1610.

Subp. 5. Disciplinary action.

Under parts 6700.1600 and 6700.1710, the board may impose disciplinary action on a peace officer who provides false information or testimony to an investigating or prosecuting agency, or who otherwise violates this part.

Attachment C: Draft Work Plan

Purpose

The purpose of this draft work plan is to outline a proposed process for the Public Safety Advisory Council and the POST Board to review, discuss, and consider adoption of the proposed Minnesota Rule 6700.1605: Cooperation with Independent Investigations. The intent is to create a clear yet flexible framework that ensures adequate time for review, thoughtful discussion, and meaningful stakeholder engagement.

This work plan is being submitted as a draft and is open to revision based on feedback from Council members and Board staff. The goal is to arrive at a process that reflects collective input, ensures transparency, and provides a workable timeline for all participants.

Proposed Process and Timeline

Phase 1: Initial Presentation to the POST Board

Target Date: Mid-November 2025 (at least two weeks after initial circulation)

The proposed rule language will be presented to the POST Board for initial review and discussion. Representatives from The Policing Project will provide an in-depth explanation of the language and respond to questions. Up to two testifiers may be invited to offer statements of support. Following discussion, no vote will be taken to allow members and stakeholders time to review the proposal and prepare written input.

Phase 2: Circulation of Amendment Requests

Target Date: Prior to Thanksgiving 2025

Following the initial presentation, Council staff will circulate an email inviting members and stakeholders to submit proposed amendments or feedback. Submissions will be compiled and shared in advance of the next meeting to allow for review and consideration.

Phase 3: Presentation and Discussion of Amendments

Target Date: December 2025 (prior to the Christmas holiday)

All proposed amendments and feedback will be presented for open discussion. The Council will focus on clarifying language, identifying consensus, and refining the rule where appropriate. No vote will be taken at this stage to allow additional time for coordination with stakeholders.

Phase 4: Circulation of Final Draft and Agenda for Vote

Target Date: Early January 2026

A revised draft of the rule, incorporating Council feedback and agreed-upon changes, will be circulated with an agenda outlining items for final action. Members will receive all materials at least two weeks in advance of the scheduled meeting.

Phase 5: Final Vote on Proposed Rule Language

Target Date: By the end of January 2026

The POST Board will conduct a formal vote on the adoption of Minnesota Rule 6700.1605, incorporating any approved amendments.

Note on Flexibility

This attachment is a draft intended to guide discussion and planning. The sequence, timing, and content of each phase may be adjusted based on member input, Board scheduling, or stakeholder availability. All members are encouraged to propose edits, additions, or adjustments to ensure that the final work plan reflects the collective judgment and priorities of the Public Safety Advisory Council.