

6700.0501 RECIPROCITY LICENSING EXAMINATION.

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

Subp. 2. **Basic ~~peace officer~~ ~~police~~ education.** "Basic ~~peace officer~~ ~~police~~ education" means:

A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or

B. a basic course sponsored by the federal government for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Centers' Uniformed Police Training Center's ~~uniformed patrol course~~ or Criminal Investigator Training Program ~~basic investigators course~~.

Subp. 3. **Law enforcement officer.** "Law enforcement officer" means: ~~a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.~~

A. a person appointed or employed as a federal tribal law enforcement officer or a certified or licensed law enforcement officer in another state; or

B. a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the Office of Personnel Management, not including any time served in the United States armed services.

Subp. 4. [Repealed, 30 SR 903]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic ~~title degree~~ awarded by a postsecondary institution which is accredited by a ~~member of one of the six regional accrediting associations~~ federally recognized accrediting association or recognized as meeting accreditation by a member of the National Association of Credential Evaluation Services (NACES). The post-secondary institution must be authorized to award degrees. ~~and authorized to award degrees, including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.~~

Subp. 6. ~~**Years of experience.** "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course.~~ **Full-time.** An individual is considered employed full-time as a law enforcement officer if they are working, at a minimum, an average of 35 service hours per week.

Subp. 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.~~ **Peace officer reciprocity.** An individual qualifies for the reciprocity examination if they:

- A. have completed a postsecondary degree or a minimum of 60 postsecondary education credits, two years of full-time employment as a law enforcement officer after successfully completing basic peace officer education, worked as a law enforcement officer during the past four years, and have not had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended;
- B. are not considered a full-time law enforcement officer but have completed a postsecondary degree or a minimum of 60 postsecondary education credits, worked a minimum of 3,640 hours as a law enforcement officer after completing basic peace officer education, worked as a law enforcement officer during the past four years, and have not had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended; or
- C. have completed four years of full-time employment or a minimum of 7,280 hours as a law enforcement officer after completing basic peace officer education, worked as a law enforcement officer during the past four years, have not had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended, and sign an agreement with the board stating the applicant will complete a minimum of 60 postsecondary education credits within five years of the applicant's Minnesota Peace Office License becoming active.

Subp. 8. **Military reciprocity.** Military personnel are eligible to take the reciprocity exam if they meet the requirements in Minnesota Statute 626.8517.

Subp. ~~8~~ 9. **Eligibility.** ~~The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600. Reciprocity applications are valid for one year from the date they are approved by the Board. If the applicant does not take the examination within that year, they must reapply and comply with subparts 7 or 8 and part 6700.0600.~~

Subp. ~~9~~ 10. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by again demonstrating qualifications for the examination pursuant to subparts ~~7 or 8~~ and ~~must again comply with the provisions of part 6700.0600.~~

Subp. 11. Confirmation of postsecondary education credits. An individual who receives reciprocity pursuant to subp. 7, item C will have five years to complete 60 postsecondary education credits after their Minnesota Peace Officer License becomes active. Once the college credit requirement has been met, a transcript must be supplied to the Executive Director for verification. If an individual fails to complete 60 postsecondary education credits within five years of their peace officer license becoming active, their peace officer license will be rescinded. An individual whose peace officer license is rescinded for failure to complete the postsecondary education credit requirement may not regain their license until they meet the credit requirement; and no earlier than 6 months from the date their license was rescinded. If an individual meets the requirement and regains employment between 6 months and 1 year from the date their license was rescinded, their license may be reactivated without having to complete Minnesota's peace officer preservice training program. Individuals may not use the experience they gained while working in Minnesota under subp. 7, item C as years of experience to qualify for the reciprocity exam under subp. 7, item A or B.

Subp. ~~10~~ 12. **Applicability.** This part shall not apply to a person who holds a ~~lapsed, revoked, rescinded, or currently or permanently suspended~~ peace officer license or certificate.

6700.0601 EXAMINATION STANDARDS.

Subpart 1. ~~Grounds for denial Prohibited Conduct .~~ ~~Violations of the following standards shall be grounds to deny an applicant to take an examination or to deny or revoke eligibility for a license~~ The following conduct is prohibited and may result in sanctions by the board:

- A. making any false material statement to the board;
- B. ~~communicating with any other person in any way during an examination, except with the express permission of the monitor~~ obstructing a board investigation;
- C. ~~referring to books or any study material during the examination, except with the express permission of the monitor~~ communication with another person during the examination without express permission from the proctor;
- D. ~~obstructing a board investigation~~ using or referring to outside materials during the examination;
- E. ~~without board authorization, possessing a copy of any of the board's examinations cheating or attempting to subvert the examination or licensing process;~~
- F. ~~aiding another person to violate items A to E~~ possessing or attempting to possess or manufacture a copy of the board's examination without the board's permission; or
- G. ~~failing to meet the minimum selection standards for licensure as a peace officer under part 6700.0700. being banned from testing center locations;~~
- H. aiding another individual in attempting or executing an act of prohibited examination conduct listed in items A through F; or
- I. falsely claiming or failing to meet the minimum selection standards for peace officer licensure as described in part 6700.0700 except for subpart 1, items C, J, and K.

Subp. 2. [Repealed, 47 SR 1120]

Subp. 3. [Repealed, 47 SR 1120]

Subp 4. **Sanctions.** In addition to any actions provided in part 6700.1710, a violation of any of the provisions listed in subpart 1 may be grounds for the board to deny or revoke:

- A. an individual's application to take one of the licensing examinations; or
- B. an individual's license eligibility.

Subp. 5. **Procedures.** Disciplinary proceedings under this part shall be conducted in accordance with MN Statute, section 214.10 subdivisions 11-12.

6700.0601 PROHIBITED EXAMINATION CONDUCT AND SANCTIONS STANDARDS

Part 6700.0601 discusses the conduct that is explicitly prohibited when taking the peace officer licensing exam. The title of this part was amended to more clearly inform readers which examination standards are being addressed in this section. Specifically, this part addresses prohibited examination conduct and the sanctions that may be imposed for participating in such conduct.

Subpart 1. The previous text of subpart 1 was deleted from the proposed rule and replaced with language that is more concise. Specifically, the title of subpart 1 was changed from “grounds for denial” to “prohibited conduct.” The new text of subpart 1, not unlike the previous text, goes on to state that the conduct described within this part is prohibited and may result in sanctions by the board. The language within subpart 1 that discusses the specific consequences for participating in prohibited conduct was removed. The sanctions for participating in prohibited conduct are discussed in the new subpart 4 of this part. The change is needed and reasonable to improve the rule’s organizational structure.

B. The text of item B was stricken and replaced with what was item D (“obstructing a board investigation”). The text from item D was moved to item B because it more closely relates to the prohibited conduct described in item A. This changes results in like items being grouped together. This change is intuitive and makes organizational sense.

C. Item C was stricken and replaced with what was previously item B. The phrase “in any way” that was originally in item B was removed to make the provision more concise.

D. The previous text of item D was stricken and replaced. Item D, like the previous item C, prohibits the use of outside study materials during the examination.

E. The previous text of item E was stricken and replaced. Item E now prohibits individual from cheating or attempting to subvert the examination or licensing process. This provision is also found in part 6700.1600 regarding standards of conduct. Pulling in this provision from the Standards of Conduct section promotes continuity among the rule segments.

F. The previous text of item F was stricken and replaced with what was item E. In addition to possessing a copy of the board’s examination without the board’s permission, attempting to manufacture of copy of the board’s examination was added as a type of conduct that is prohibited. This addition is needed and reasonable as possessing a copy of the board’s examination is only possible if someone went through the trouble of manufacturing a copy of the exam.

G. The text of item G was stricken. Item G states “being banned from testing center locations” is prohibited conduct. The board contracts with professional

organizations who specialize in delivering licensing examinations. If a student is unable to enter or access a testing center location because they previously violated the testing center's rules or standards of conduct, that individual will not be able to take the examination. To be banned or trespass from a testing center, the applicant would have had to demonstrate or participate in deplorable behavior that violates the testing center's rules or policies. This provision is needed and reasonable to ensure peace officer examination applicants are conducting themselves in a respectable and professional manner when taking or attempting to take the examination.

H. Item H, states individuals are prohibited from "aiding another individual in attempting or executing an act of prohibited examination conduct listed in items A through F." If an individual is assisting another person in their commission of prohibited conduct, they are liable and responsible for the conduct as well. This provision allows the board to hold individual accountable for their role in aiding another to violate the board's rules.

I. Item I is new. Per the proposed rule changes in 6700.0300, preservice training participants will have to sign a statement in which they attest they meet the minimum selection standards for peace officer licensure as described in part 6700.0700, except for subpart 1, items C, J and K. This provision allows the board to act if an individual falsely claims to meet those standards. The actions that may be taken by the board are covered in subpart 4. This section is needed and reasonable to ensure that individuals are not taking the examination if they do not meet the standards prescribe in part 6700.0700. It is a misuse of time and funds to allow individuals to take the peace officer licensing examination if they do not qualify for a licensure.

Subpart 4. The new subpart 4, titled "Sanctions," discusses the actions to board may take against an examination applicant for participating in prohibited examination conduct. Specifically, this subpart states that a violation of any of the provisions listed in subpart 1 may be grounds for the board to deny or revoke an individual's application to take the examination or an individual's license eligibility. This process would adhere/follow the guidelines prescribed in the Administrative Procedures Act. This section is needed and reasonable to inform test takers of consequences that may be implemented if they participate in prohibited examination conduct.

Subpart 5. The new subpart 5, titled "Procedures," states that disciplinary proceedings under this part will be conducted pursuant to MN Statute, section 214.10 subdivision 11-12. This section is needed and reasonable to let readers know this process is not arbitrary and that the board will be following applicable state statutes related to discipline. The APA allows individuals to contest the board's decisions through OAH via a contested case hearing.

6700.2100 SCOPE. Redact

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

6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES.

~~On or before October 1, 1984, the~~ The board recognizes the need for each agency and appointing authority to have and to use published procedures for the investigation and resolution of allegations of misconduct. The chief law enforcement officer shall establish ~~written~~ procedures for the investigation and resolution of allegations of misconduct against licensees employed or appointed by the chief's agency. These procedures shall minimally specify:

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

The procedures established according to this part must comply with model policies and Minnesota Statute, section 626.845, subdivision 1. Copies of current procedures governing allegations of misconduct shall be available to the public on request. Copies of published procedures governing allegations of misconduct and any subsequent modifications of the procedures shall be distributed by an agency to licensees who are employed or appointed by the agency.

~~6700.2300 AFFIRMATION OF COMPLIANCE.~~ Redact

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

~~6700.2400 COPIES OF PROCEDURES.~~ Redact

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

6700.2500 DOCUMENTATION OF COMPLAINTS.

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

6700.2100 SCOPE

This part was redacted because it is not necessary.

6700.2200 DEVELOPMENT OF ~~WRITTEN~~ PUBLISHED PROCEDURES

The title of 6700.2200 was amended to “published procedures” as opposed to “written procedures” because of advancements in technology. Rather than being written and displayed somewhere, procedures are now commonly posted on the internet, in a shared drive, or in another digital location/format.

The phrase “On or before October 1, 1984, the” was removed from the rule because it’s no longer necessary. This part now begins with a purpose statement that was taken and modified from part 6700.2100. The purpose statement tells readers that the board recognizes the need for each agency and the appointing authority to have and use published procedures for the investigation and resolution of allegations of misconduct. This section states all law enforcement agencies should have established procedures for the investigation and resolution of alleged misconduct. The word “written” was stricken and replaced with “published” as policies are commonly published online or in an electronic format- making written paper copies obsolete. The word “chiefs” was replaced with “law enforcement” to make the rule’s intent clearer.

The last paragraph includes information from 6700.2300 and 6700.2400. This paragraph states that “The procedures established according to this part must comply with model policies and Minnesota Statute, section 626.0845, subdivision 1.” This sentence was added to provide CLEOs direction as to where they can get additional information on how to develop the required written procedures. This sentence also makes it clear to CLEOs that there are other rules and statutes that their procedures must follow. The last two sentences of this paragraph state that current copies of the procedures must be published and available to the public upon request and furnished to all licensees employed by the agency. This language was taken and adapted from part 6700.2400 in an effort consolidate this portion of chapter 6700.

~~6700.2300 AFFIRMATION OF COMPLIANCE~~

This rule part is obsolete and no longer necessary.

~~6700.2400 COPIES OF PROCEDURES~~

This rule part was redacted. The relevant information was moved to 6700.2200. This change was needed and reasonable to consolidate this section of the rules.

6700.2500 DOCUMENTATION OF COMPLAINTS

The word “alleged” was added in front of the term “misconduct” to make it uniform with other rule parts. CLEOs must retain records on sustained and alleged reports of misconduct per MN Statute, section 626.8457. Reference to Minnesota Statute section 15.171 was removed as that statute was repealed and no longer exists. The phrase “in and an affidavit of compliance with

part 6700.2200, item B” was removed as this is not a standard practice or operating procedure utilized by POST staff. Lastly, it is common for the POST Board to give CLEOs longer than 5 days to submit misconduct data after a formal request has been made. Language was added to state that misconduct data needs to be supplied by the date specified in the formal request, which will not be fewer than five days. This will allow CLEOs a reasonable period to comply with a data request from the board.

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