



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, April 23, 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 1/22/26 Meeting **ACTION**
 4. Variance: Troshchevskii **ACTION**
 5. Variance: Dockery **ACTION**
 6. Variance: Howe **ACTION**
 7. Variance: Prada **ACTION**
 8. Variance: Zeki **ACTION**
 9. Variance: Cortes Roque **ACTION**
 10. Variance: Djuma **ACTION**
 11. Variance: Muhumuza **ACTION**
 12. Variance: Schwab **ACTION**
 13. Model Policy: Domestic Abuse **ACTION**
 14. Executive Director's Report
 15. Licensure Matters (closed to public)
 16. Adjournment
-



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 MINUTES

Thursday, January 22,
2026, 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	Scott Kent	Erik Misselt	Chris Kaisershot, A.G. Office
Scott Nadeau for Andrew Evans	Kelly Phillips	Schyler Beaty	David Cullen, A.G. Office
Bobbi Holtberg		Alicia Popowski	Michael McSherry, A.G. Office
Jennifer Foster		Jessi Knowles	Brian Schwab
Michael Ceynowa		Rob Skoro	Leslie Palmer
Stephanie Burrage		Jon Hoff	Rich Watkins
Cassandra Bautista		Mike Cumiskey	Carl Crawford
Nigel Perrote		Katie Cederstrom	Mark Schneider
Shelly Shaefer			
Tad Ferrell			
Jim Yang			
Tanya Gladney			
Troy Wolbersen			

1. **Call to order:** Chair Hennen called the meeting to order on January 22nd, 2026, at 10:01 A.M.
2. **Approval of the Agenda:** Chair Hennen asked for a motion to approve the agenda.
 - **MOTION:** Ms. Holtberg moved the motion to approve the agenda. Mr. Perrote seconded the motion. The motion carried via unanimous voice vote.
3. **Approval of the Board meeting minutes from October 23, 2025:** Chair Hennen asked for a motion to approve the 10/23/25 minutes.
 - **MOTION:** Ms. Foster moved the motion to approve the minutes. Ms. Bautista seconded the motion. The motion carried via unanimous voice vote.
4. **Variance: Alfallani:** Ms. Popowski presented Mr. Alfallani's variance request. Mr. Alfallani was not present for the meeting. Mr. Alfallani has a foreign degree and is seeking a variance from the board on Minnesota Rule 6700.0100, subpart 20, to recognize the university he attended as a school- thus validating his degree. Mr. Alfallani is seeking the variance so he may enroll in the ICPOET program with HTC.



Board of Peace Officer Standards and Training

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

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

- **MOTION:** Ms. Foster moved the motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0100, subpart 20, be granted until licensure. Mr. Perrote seconded the motion. Motion passed via unanimous voice vote.
5. **Variance: Elsayed:** Ms. Popowski presented Mr. Elsayed's variance request. Mr. Elsayed was not present for the meeting. Mr. Elsayed has a foreign degree and is seeking a variance from the board to recognize the university he attended as a school- thus validating his degree. Mr. Elsayed is seeking the variance so he may enroll in the ICPOET program with HTC.
- **MOTION:** Ms. Foster moved the motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0100, subp. 20, be granted until licensure. Ms. Holtberg seconded the motion. Motion passed via unanimous voice vote.
6. **Variance: Burgoyne:** Ms. Popowski presented Mr. Burgoyne's variance request. Mr. Burgoyne was not present for the meeting. Mr. Burgoyne is requesting a variance on Minnesota Rule 6700.0501, subpart 7. He is approximately one year short of the reciprocity requirements for non-degree holders.
- **MOTION:** Ms. Gladney moved the motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.0501, subpart 7, because the statutory criteria for a discretionary variance have not been met, specifically the five-year requirement along with schooling. Mr. Wolbersen seconded the motion. Motion passed via unanimous voice vote. Discussion ensued on why the criteria were not met.
7. **Variance: Sandifer:** Ms. Popowski presented Mr. Sandifer's variance request. Mr. Sandifer was not present for the meeting. Mr. Sandifer is requesting a variance on Minnesota Rule 6700.0501, subpart 7. He has previously had a peace officer license/certificate suspended, making him ineligible for reciprocity.
- **MOTION:** Discussion ensued. Ms. Schaefer moved the motion for the Board to deny the petitioner's request for a variance of Minnesota Rule 6700.0501, subpart 7, because the statutory criteria for a discretionary variance have not been met. Mr. Perrote seconded the motion. Ms. Foster amended to state the variance for the rule would not be consistent with public interest. Ms. Gladney seconded the motion. Motion passed via unanimous voice vote.
8. **Variance: Schwab:** Ms. Popowski presented Mr. Schwab's variance request. Mr. Schwab was present for the meeting. Mr. Schwab is requesting a variance on Minnesota Rule 6700.0700, subpart 1 (D)(3)(o). He has a prior GM theft conviction, making him ineligible for licensure.
- **MOTION:** Ms. Schafer moved the motion for the Board to grant the petitioner's request for a variance because the statutory criteria for discretionary variance has been met. And that the variance of Minnesota Rule 6700.0700, subpart 1 (D)(3)(o) be granted until licensure. Mr. Ceynowa seconded the motion. Discussion ensued. Motion denied with 7 no votes, 6 yes votes.
9. **Variance: Nunez:** Ms. Popowski presented Mr. Nunez's variance request. Mr. Nunez was not present for the meeting. Mr. Nunez has a foreign degree and is seeking a variance from the board on Minnesota Rule 6700.0100, subpart 20, to recognize the university he attended as a school- thus validating his degree. Mr. Nunez is seeking the variance so he may enroll in the ICPOET program with HTC.



Board of Peace Officer Standards and Training

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

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

- **MOTION:** Mr. Perrote moved the motion for the Board to grant the petitioner's request for a variance because the statutory criteria for a discretionary variance have been met and that the variance of Minnesota Rule 6700.0100, subp. 20, be granted until licensure. Ms. Burrage seconded the motion. Motion passed via unanimous voice vote.

10. **Request to Board from Two PPOE Schools to Add Sites to Their Programs:**

- Riverland presentation – Rich Watkins presented. Discussion ensued.
 - **MOTION:** Ms. Gladney moved the motion to approve Riverland to add a skills component to their law enforcement program. Ms. Schafer seconded the motion. Motion passed via unanimous voice vote.
- Inver Hills presentation – Leslie Palmer presented. Discussion ensued.
 - **MOTION:** Ms. Schafer moved the motion to approve Inver Hills to add a skills component to their law enforcement program. Ms. Holtberg seconded the motion. Motion passed via unanimous voice vote.

11. **PPOE Renewal Board Approval:** Presentation by Mr. Skoro regarding PPOE school renewal applications. Mr. Skoro recommended all schools be approved for renewal.

- **MOTION:** Ms. Gladney moved the motion to approve the recommended PPOE schools for renewal. Ms. Burrage seconded the motion. Motion passed via unanimous voice vote.

12. **Pursuit Model Policy:** Alicia Ms. Popowski introduced the model policy.

- **MOTION:** Ms. Foster moved the motion for approval with grammatical changes. Mr. Ceynowa seconded the motion. Motion passed via unanimous voice vote.

Break for lunch 11:13 A.M. Resume at 11:45 A.M.

13. **Rule 6700.0100:** Ms. Popowski introduced and explained the proposed rule changes to Minnesota Rule 6700.0100. *See Appendix A.*

- **MOTION:** Ms. Foster moved the motion to approve the rule draft as proposed. Mr. Yang seconded the motion. Motion passed via unanimous voice vote.

14. **Rule 6700.0300:** Ms. Popowski introduced and explained the proposed rule changes to Minnesota Rule 6700.0300. Discussion ensued on subpart 8 regarding instructor requirements. *See Appendix B.*

- **MOTION:** Mr. Yang moved the motion to approve the rule draft as proposed with the modifications made by the board. Ms. Gladney seconded the motion. Motion passed via unanimous voice vote.

15. **Rule 6700.0400:** Ms. Popowski introduced and explained the proposed rule changes to Minnesota Rule 6700.0400. Discussion ensued. *See Appendix C.*



Board of Peace Officer Standards and Training

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

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

- **MOTION:** Ms. Holtberg moved the motion to approve the rule draft as proposed. Mr. Yang seconded the motion. Motion passed via unanimous voice vote.

16. **Rule 6700.0401:** Ms. Popowski introduced and explained the proposed rule changes to Minnesota Rule 6700.0400. Discussion ensued. *See Appendix D.*

- **MOTION:** Ms. Foster moved the motion to approve the rule draft as proposed. Ms. Holtberg seconded the motion. Motion passed via unanimous voice vote.

17. **Rules 6700.0500 & 6700.0600:** Ms. Popowski introduced and explained the proposed rule changes to Minnesota Rules 6700.0500 and 6700.0600. Discussion ensued. *See Appendix E.*

- **MOTION:** Mr. Yang moved the motion to approve the rule draft as proposed. Mr. Perrote seconded the motion. Motion passed via unanimous voice vote.

18. **Resolution: Second Request for Comments:** Ms. Popowski presented a resolution to the Board that would allow POST staff to publish a second Request for Comments (RFC) in the state register for R4750 on the Board's behalf.

- **MOTION:** Ms. Foster moved the motion to adopt and sign the resolution as proposed. Ms. Holtberg seconded the motion. Motion passed via unanimous voice vote.

PER ERIK MISSELT, item 20 was presented before Item 19

19. **(Item 20) Summary License Suspension Legislation:** Mr. Misselt asked the Board whether it would like to pursue legislative changes regarding the summary suspension of peace officer licenses. Summary suspensions were explained to the board by Mr. Misselt and Mr. Kaisershot. Discussion ensued. The board indicated it would like POST staff to explore the matter further.

20. **(Item 19) Proposed New Rule: Cooperation with Investigations:** The Public Safety Advisory Council brought a rule proposal to the Board for its consideration regarding licensee cooperation during investigations. Discussion ensued. The Board expressed concerns about how the proposed rule may negatively impact the constitutional rights of licensees. The board indicated it would not be exploring the proposal further.

- **MOTION:** Ms. Bautista moved the motion to deny the proposed new rule as written. Mr. Ceynowa seconded the motion. More discussion ensued prior to vote. Motion passed via unanimous voice vote.

21. **Executive Director's Report:** Mr. Misselt provided the board with an update on the following topics: new POST staff, Domestic Violence Model Policy, and Preservice changes/rule changes. Mr. Misselt informed the board he will be presenting at the CLEO and Command Academy at Camp Ripley and a St. Paul City Council meeting to discuss what the POST Board does, both in February.

22. **Licensure Matters (closed to public)**

23. **Licensure Hearing – Telkamp**

24. **Deliberations (closed to public)**

25. **Licensure Hearing – Vetsouvanh**



Board of Peace Officer Standards and Training

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

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

26. Deliberations (closed to public)

27. Adjournment: The meeting adjourned at 2:55 P.M.

DRAFT

Rev. 11.20.25

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.

Rev. 11.20.25

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.

6700.0300 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 must 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, 16-hours of training 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.

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; and
- 5) have at least two years of experience instructing or teaching or complete, minimally, 32-hours of training in instructional supervision or evaluation prior to or within the first two years of being employed as a director with a certified school.

B. Coordinators of Professional Peace Officer programs who were appointed prior to August 1, 2028 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.

Rev. 10.16.25

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.

Rev. 11.20.25

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.~~

~~6700.0500 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.



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Kirill Troshchevskii

Basis for Variance Request: Mr. Troshchevskii has a Bachelor's degree in Computer Science from Omsk State Technical University. Omsk State Technical University (Russia) 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. Troshchevskii is an applicant with the Minneapolis Police Department. Mr. Troshchevskii is requesting a variance from the board to have Omsk State Technical University recognized as a "school" under rule 6700.0100, subdivision 20 – thus validating his degree. Mr. Troshchevskii plans to complete the PPOE requirements if the degree is validated. Educational Credential Evaluators (ECE) completed an evaluation of Mr. Troshchevskii's degree. ECE determined the college was the equivalent to a regionally accredited institution in the U.S.

Previous Board Action on Similar Requests:

- 2022 – The POST Board granted three variance requests to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 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 ten variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board denied one variance regarding the same.

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.*



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Michael Dockery (3rd Variance Application)

Basis for Variance Request: Mr. Dockery is 5 months short of the 5-year reciprocity requirement.

Rule Citation:

6700.0501, 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.

Summary of Request (*also see actual request attached*): Mr. Dockery is 5 months short of the 5 years of experience (no degree) requirement for reciprocity. Mr. Dockery has a 2-year degree, but the university he attended has a national as opposed to regional accreditation. If the university Mr. Dockery attended had been regionally accredited, he would have met the 3 years of experience with a degree reciprocity requirement. Mr. Dockery is asking for a variance to take the reciprocity exam.

Previous Board Action on Similar Requests:

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



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Kyle Howe

Basis for Variance Request: Mr. Howe does not qualify to take the reciprocity examination because he has had a peace officer license suspended. Mr. Howe is asking for a variance from the board to take the reciprocity examination.

Rule Citation:

6700.0501, 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.

Summary of Request (also see actual request attached): Mr. Howe's Iowa peace officer license is currently suspended. Due to the suspension, Mr. Howe does not qualify to take the reciprocity examination. Mr. Howe is petitioning the board for a variance on the reciprocity requirement that states applicant's cannot have "a peace officer license, certificate, or the federal equivalent suspended or revoked."

Previous Board Action on Similar Requests:

- 2026 – The Board denied a variance request to waive the reciprocity requirement that states, "has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination."

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.



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Sandro Romilson Prada

Basis for Variance Request: Mr. Prada has a A.A.S degree in Web Design and Development from the Universidade Anhembi Morumbi (Brazil), which 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. Prada is a cadet applicant seeking a variance from the board to recognize the Universidade Anhembi Morumbi (Brazil) as a school, validating his degree. Mr. Prada had his degree evaluated by International Education Evaluations (IEE) – a NACES member. IEE Determined the Universidade Anhembi Morumbi is equivalent to a regionally accredited university in the United States.

Previous Board Action on Similar Requests:

- 2022 – The POST Board granted three variance requests to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 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 ten variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board denied one variance regarding the same.

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.



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Saman Zeki

Basis for Variance Request: Mr. Zeki has a Bachelor's degree in Secondary Education (teaching English) from the University of Thi-Qar. The university 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. Zeki is requesting a variance from the board to have the University of Thi-Qar recognized as a "school" under rule 6700.0100, subdivision 20 – thus validating his degree. Mr. Zeki plans to complete the PPOE requirements if the degree is validated. Educational Credential Evaluators (ECE) completed an evaluation of Mr. Zeki's degree. ECE determined the college was the equivalent to a regionally accredited institution in the U.S.

Previous Board Action on Similar Requests:

- 2022 – The POST Board granted three variance requests to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 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 ten variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board denied one variance regarding the same.

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.



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Ivan Cortes Roque

Basis for Variance Request: Mr. Cortes Roque Bachelor's degree in Business Management from the Universidad Intercontinental (Mexico). The university 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. Cortes Roque is an applicant with the Minneapolis Police Department. Mr. Cortes Roque is requesting a variance from the board to have Universidad Intercontinental recognized as a "school" under rule 6700.0100, subdivision 20 – thus validating his degree. Mr. Cortes Roque plans to complete the PPOE requirements if the degree is validated. Educational Credential Evaluators (ECE) completed an evaluation of Mr. Cortes Roque's degree. ECE determined the college was the equivalent to a regionally accredited institution in the U.S.

Previous Board Action on Similar Requests:

- 2022 – The POST Board granted three variance requests to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 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 ten variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board denied one variance regarding the same.

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.*



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Kelly Djuma

Basis for Variance Request: Mr. Djuma has a Bachelor's degree in Law from Light University of Bujumbura (Burundi). This university 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. Djuma is requesting a variance from the board to have Light University of Bujumbura recognized as a "school" under rule 6700.0100, subdivision 20 – thus validating his degree. Mr. Djuma plans to apply for a cadet program and complete the PPOE requirements if his degree is validated. In his essay response, Mr. Djuma had his degree was evaluated by World Education Services (WES). WES determined the college was equivalent to a regionally accredited university in the U.S.

Previous Board Action on Similar Requests:

- 2022 – The POST Board granted three variance requests to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 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 ten variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board denied one variance regarding the same.

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.*



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Robert Muhumuza

Basis for Variance Request: Mr. Muhumuza has an Associate degree in Journalism from the Makerere Institute for Social Development. This college 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. Muhumuza is requesting a variance from the board to have the Makerere Institute for Social Development recognized as a "school" under rule 6700.0100, subpart 20 – thus validating his degree. If granted, Mr. Muhumuza would still have to complete the PPOE requirements to become eligible to take the licensing examination. Mr. Muhumuza had his degree evaluated by Educational Credential Evaluators (ECE). ECE determined the college was equivalent to a regionally accredited institution in the U.S.

Previous Board Action on Similar Requests:

- 2022 – The POST Board granted three variance requests to recognize a foreign education facility as a school under 6700.0100, subpart 20.
- 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 ten variances to recognize a foreign education facility as a school under 6700.0100, subpart 20. The board denied one variance regarding the same.

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.*



Board of Peace Officer Standards and Training

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

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

Variance Petition Summary

Date of Board Meeting: April 23, 2026

Petitioner: Brian Schwab (2nd Variance Application)

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.
- 2025 – The board denied Mr. Schwab's variance request on rule 6700.0700, subpart 1 (D)(3)(o).

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.

DOMESTIC ABUSE RESPONSE AND ARREST [MODEL POLICY]

POLICY

The (*name of law enforcement agency*) recognizes domestic abuse as a serious problem in society. This agency aims to protect victims of domestic abuse by ensuring its peace officers understand domestic abuse statutes and approach domestic abuse situations with sensitivity and understanding. Peace officers will utilize this policy when responding to incidents of domestic abuse. This agency will aggressively enforce the laws without bias or prejudice.

DEFINITIONS

Child: has the meaning given to it in [MN Statute 260C.007, subdivision 4](#).

Complainant: refers to an individual making a complaint or reporting a crime.

Domestic Abuse: has the meaning given to it in [MN Statute 518B.01, subdivision 2\(a\)](#).

Domestic Abuse No Contact Order (DANCO): refers to an order issued by a judge under [MN Statute 629.75](#) in criminal court. DANCOs may be issued as a pretrial condition of release and/or as a condition of probation. Violating a DANCO is a crime.

Domestic Abuse Program: means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

Domestic Call: refers to a call for service or a request for service made to a law enforcement agency regarding a domestic disturbance.

Family or Household Member(s): has the meaning given to it in [MN Statute 518B.01, subdivision 2\(b\)](#).

Harassment: has the meaning given to it in [MN Statute 609.749, subdivision 2\(c\)](#).

Harassment Restraining Order (HRO): refers to an order issued by a judge under [MN Statute 609.748](#) in civil court where a petitioner requests a court order prohibiting another person from having contact with them. The petitioner of an HRO does not have to be a family or household member to the respondent. Violating an HRO is a crime.

Order for Protection (OFP): refers to an order issued by a judge under [MN Statute 518B.01, subdivision 5](#), in civil court. Violating an OFP is a crime.

Petitioner: refers to an individual who initiates legal proceedings by filing a petition with the court.

Primary Aggressor: refers to the person who, based on the totality of the circumstances, is determined to be the primary perpetrator of domestic abuse, as opposed to a person who used force in self-defense or who has been primarily subject to abuse.

Qualified Domestic Violence-Related Offense (QDVRO): has the meaning given to it in [MN Statute 609.02, subdivision 16](#).

Respondent: refers to the person against whom a court action or protective order is sought.

Stalking: has the meaning given to it in [MN Statute 609.749, subdivision 5](#).

PROCEDURE

RECEIVING A DOMESTIC REQUEST FOR SERVICE

Receiving a Domestic Request for Service. Domestic requests for service are considered high priority calls and must be treated accordingly by dispatchers and [officers]. Dispatchers must assign, minimally, two [officers] to a known or suspected domestic abuse call. If only one [officer] is available, reasonable attempts must be made to obtain another [officer]. After receiving a domestic call, [officers] must respond promptly according to the information they received (e.g. is the situation active/ongoing, is the incident being reported several days after the event, or are the victim(s) in a safe location away from the suspect). Domestic requests for service may be received via text message to 911 or by other means.

Information to be Obtained. The dispatcher receiving a domestic request for service should attempt to collect pertinent information from the caller and relay the information to the responding [officers]. The dispatcher receiving a domestic abuse call should attempt to gather the following information:

- the nature of the incident,
- the address of the incident, including apartment number (if applicable),
- the telephone number(s) by which the caller can be reached,
- whether weapons are involved or present in the dwelling,
- whether someone is injured and the nature of the injury,
- whether alcohol or drugs are involved,
- information about the suspect (e.g. presence, description, direction of flight, mode of travel, etc.),
- the relationship between the caller and the suspect,
- whether there have been previous calls involving the caller and suspect,
- whether there is an active order for protection (OFP), harassment restraining order (HRO), or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
- whether children are present, and

- whether there are non-English speaking, mobility impaired, or hearing impaired individuals present.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone for as long as possible and tell the caller when they can expect the peace officers to arrive. If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding [officers]. Dispatchers should ask callers if it is safe for them to talk and if so, for how long.

If, for any reason, the dispatcher is unable to remain on the line with the caller and the responding [officers] are some distance away from the call location, the dispatcher should attempt to periodically call the complainant back, if the caller said it is okay to do so, to check on their well-being. If the complainant was available by telephone, but later becomes unreachable or the dispatcher encounters a persistent busy signal, that information should be relayed to the responding [officers].

RESPONDING TO A DOMESTIC CALL

Driving to the Scene. Peace officers must respond directly and without unreasonable delay to the scene. [Officers] should evaluate tactical considerations related to the use of emergency lights and sirens when responding.

Initial Contact. Upon arriving at the scene of a domestic abuse call, the responding [officers] must identify themselves as peace officers, explain their presence, and request entry into the home. The [officers] must ask to speak with the individuals involved in the situation. When reasonable, practical, and safe to do so, [officers] should separate (sight/sound) all individuals involved prior to taking any statements. If the person who called the law enforcement agency is someone other than the subject of the call, the [officer] should not reveal the caller's name. The [officer] must ensure all occupants inside or at the call location are safe to the extent they are able.

Entry. If refused entry, the [officers] should be persistent about seeing and speaking alone with the complainant. If access to the complainant is refused the [officers] should request dispatch contact the caller via phone. If access is still refused and the [officers] have reason to believe someone is in imminent danger, [officers] are permitted to force entry. If the [officers] are refused entry, have no legal grounds to force entry, but have reasonable grounds to believe a crime has been committed, the [officers] may apply for a search warrant.

First Aid. After securing the scene, responding peace officers shall provide first aid and offer EMS (as applicable). [Officers] may preemptively request EMS and put them on standby while responding to the scene in an effort to minimize medical personnel response time.

INVESTIGATION

After securing the scene and providing any necessary first aid, peace officers must begin an investigation and assess the evidence to determine if there is probable cause that evidences a crime has been committed. During the investigation, when feasible, [officers] must attempt to interview the parties directly involved as well as any witnesses to the incident as necessary for the investigation. If the witness, victim, or suspect is a child, [officers] should consider whether an interview should take place at another location or be handled by another organization. [Officers] must collect and/or document any evidence at that scene. As part of the evidence collection process, [officers] must consider:

- taking photos of the scene,
- photographing the condition of clothing of the individuals involved,
- photographing any property damage,
- photographing physical injuries or the presence of petechiae (peace officers should be aware that injuries appear differently on different complexions and under flash photography),
- completing a lethality assessment (as applicable),
- recording and documenting excited utterances made by the victim and/or the suspect,
- documenting the demeanor of the victim and/or the suspect,
- collecting medical records including the victim's statements to paramedics, nurses and doctors,
- recording interviews with witnesses including children who may have been present,
- documenting evidence of any prior domestic abuse related incidents,
- documenting any existing OFPs, HROs or DANCOs, and
- documenting any other existing court order restricting contact between the suspect and victim.

When establishing probable cause, peace officers may consider their observations as well as any statements made by the parties/witnesses involved.

Suspect Gone on Arrival. If there is probable cause to make an arrest, [officers] should make reasonable attempts to locate and arrest the suspect. [Officers] should consider checking the suspect's place of employment and residences the suspect is known to frequent (e.g. the residences of family/friends or other properties the suspect may own).

ARREST CONSIDERATIONS

Arrest determinations must be based on probable cause that evidences a crime has been committed. [Officers] shall not base arrest determinations on the following factors:

- the ownership/tenancy rights of either party or the fact the incident occurred in a private place,

- belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction,
- verbal assurances that the abuse will stop,
- disposition of previous police calls or criminal cases involving the same victim or suspect,
- denial by either party that the abuse occurred when there is evidence of domestic abuse and probable cause has been established,
- lack of a court order restraining or restricting the suspect,
- concern about reprisals against the victim,
- adverse financial consequences that might result from the arrest, or
- chemical dependency or intoxication of the parties.

Primary Aggressor and Dual Arrests. The (name of law enforcement agency) discourages dual arrest, however, such arrests are not explicitly prohibited. When there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude one of the parties is the primary aggressor. Such a determination should be based on, minimally, the following:

- the comparative extent of the injuries inflicted,
- the presence of fear of physical injury because of past or present threats,
- were actions taken in self-defense or to protect oneself,
- patterns of power of control (financial/technological/psychological),
- the history of domestic abuse perpetrated by one party against the other, or
- the existence or previous existence of an order for protection.

In situations where the primary aggressor is identifiable, but charges also seem appropriate for the other individual involved, a report should be sent for consideration of charges to the prosecutor's office in lieu of a physical (dual) arrest. In their report, [officers] should explain how the [officer] identified a specific individual as the primary aggressor. In extreme cases or for instances in which a primary aggressor cannot be identified, a dual arrest may be made. In the event a dual arrest is made, when feasible, [officers] should transport the individuals in separate vehicles.

Victims Declining Arrest or Prosecution. If [an officer] establishes probable cause and determines a domestic abuse crime has been committed, they may make an arrest. The arrest may be made regardless of a victim's request not to arrest or prosecute the suspect. When [an officer] encounters a victim who wishes to decline charges, the [officer] should explain to the victim that arrest and prosecutorial determinations are given to law enforcement and prosecutors by state statute. [Officers] can offer to include a victim's request to decline charges in their report, however, victims should be made aware prosecutorial determinations will be made by the prosecuting attorney's office based on evidence.

Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault. In general, [officers] cannot effect probable cause arrests for misdemeanors that did not occur in their presence. This is not the case for crimes of domestic assault. According to

[MN Statute 629.341](#), peace officers are immune from civil liability when making a domestic abuse arrest so long as they act in good faith and exercise due care when making the arrest determination. For misdemeanor offenses, according to [MN Statute 629.341](#), peace officers may arrest a person anywhere, without a warrant, if the [officer] has probable cause to believe that, within the preceding 72 hours excluding of the day probable cause was established, the individual assaulted, threatened (with a dangerous weapon), or committed an act intended to cause fear in another of immediate body harm or death if the victim is a “family or household member.”

According to [MN Statute 629.72](#), notwithstanding any other law or rule, an arresting [officer] may not issue a citation in lieu of effecting the arrest of an individual being charged or arrested for harassing or stalking, domestic abuse, a violation of an order for protection, or a violation of a domestic abuse no contact order.

Level of Arrest for Fifth Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony. [Officers] should be aware there are many domestic abuse related crimes that are eligible for enhancement based on an individual’s previous criminal convictions. Fifth Degree Assault and Domestic Assault are deemed misdemeanor offenses. When enhancement factors are present, these offenses may be charged as a gross misdemeanor or felony.

- *Gross Misdemeanors*
 - [MN Statute 609.224, subdivision 2\(a\)](#), Assault in the Fifth Degree provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a qualified domestic violence-related offense (QDVRO) conviction or adjudication of delinquency in Minnesota, or any similar law of another state.
 - If the charge is Domestic Assault ([MN Statute 609.2242](#)) and the victim is a family or household member and the crime occurs within ten years of a QDVRO conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.
 - If there is a prior conviction for assault or threats of violence against any person within two years, a gross misdemeanor may also be charged.
- *Felonies*
 - If a person commits Fifth Degree Assault against the same victim within ten years of the first of any combination of two or more QDVRO convictions or adjudications of delinquency, the assault becomes a felony. The same enhancement applies to Fifth Degree Assault against any victim occurring within three years of the first of two or more of these convictions.
 - Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member.
 - According to [MN Statute 609.2247, subdivision 2](#), whoever assaults a family or household member by strangulation is guilty of a felony.

REPORTS AND FORMS

Peace officers must write a report after responding to a domestic call. If the [officer] did not arrest or seek an arrest warrant even though an arrest was authorized, a detailed explanation of the reasons for the [officer's] decision not to arrest must be documented. The report must then be forwarded to the prosecutor's office for consideration of formal charges. Domestic abuse related reports must, when feasible or applicable, include the following information:

- detailed statements from the victim, suspect, and any witnesses,
- a description of injuries,
- information about past abuse,
- a summary of the lethality assessment,
- a description of the scene,
- identification of the primary aggressor if applicable,
- information on the existence of any language barriers,
- the identification of elderly victims or those with disabilities,
- a summary of prior convictions relevant to charging enhancements,
- a general summary of the suspect's criminal history, and
- a list of evidence.

If necessary, a domestic call must be turned over to the appropriate investigator for further follow-up when needed. If an arrest is made, the [officer] must examine the defendant's criminal history record and, if there is evidence of a QDVRO conviction, advise the prosecutor's office of any potential charging enhancements. If there is probable cause to warrant charges on an individual not determined to be the primary aggressor, the peace officer must thoroughly document all relevant information in the report and refer it to the prosecutor for review and consideration of criminal charges.

LETHALITY/RISK ASSESSMENT

Domestic abuse situations often involve heightened emotional responses from the individuals involved because of not only the present circumstances, but the historical context. Historical context is especially important for assessing the potential risk of future domestic violence against an individual victim. Lethality/risk assessments are a tool [officers] can use to explore a victim's/suspect's abuse history and gauge the risk of future abuse. [Officers] should complete a lethality/risk assessment, approved by the agency, and include the assessment with their report. The assessment should be sent to the prosecuting attorney's office for review. Minimally, the following questions should be included in the agency's assessment.

- Does the suspect have access to a firearm, or is there a firearm in the home?
- Has the suspect ever used or threatened to use a weapon against you or your children/family members?

- Has the suspect ever attempted to strangle you, cut off the circulation in your neck, or impede your breathing in any way. This may include covering your mouth and/or nose.
- Has the suspect ever threatened or tried to kill you?
- Has the physical violence increased in frequency or severity in recent months?
- Has the suspect ever forced or coerced you to have sexual relations against your will?
- Does the suspect control or try to control most or all of your daily activities?
- Does the suspect monitor or surveil most or all of your daily activities?
- Is the suspect constantly or violently jealous?
- Has the suspect ever threatened to commit suicide?
- Do you believe the suspect will assault you again?
- Has the suspect assaulted you in the past?
- Do you believe the suspect will try to kill you?
- Are there any pending or prior OFPs, HROs, or other criminal or civil cases involving the suspect?
- Has the suspect previously violated an OFP, HRO, DANCO, or other order in which you were the petitioner or protected party?

The questions included in the agency's assessment should be evidence informed – meaning that the questions are derived from practical experience and/or research. Agencies are encouraged to develop an assessment referral protocol. Minimally, the protocol, should include referring the assessment to the prosecuting attorney's office and a local advocacy program. After an assessment is completed, [officers] should inform the victim of the outcome, or score, of the assessment. [Officers] should ask the victim if they would like assistance contacting a victim's rights advocacy center for assistance.

OTHER DOMESTIC ABUSE RELATED CRIMES

STALKING

It is a felony to engage in stalking with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. Stalking charges should be considered when, within a 5-year period, an individual commits or attempts to commit two or more of the criminal acts described in [MN Statute 609.749, subdivision 5\(b\)\(1\) through \(17\)](#).

Reports on incidents of stalking must include historical information about/between the individuals involved as well as the emotions the conduct stirred, if any, in the victim(s). This information is necessary to demonstrate patterns of behavior and to satisfy the elements of the crime. Such information is especially important when one of the acts being used to bring forth a charge of stalking was previously attempted but not charged or, possibly, previously reported. Examples of stalking behaviors include, but are not limited to:

- Surveillance
 - Waiting for the victim outside of their office, gym, or other frequented locations.
 - Using tracking software on the victim's devices.
 - Going through the victim's mail or trash.
 - Attaching a tracking device on the victim's vehicle or home.
- Life Invasion
 - Repeated unwanted contact via telephone, text messages, emails, etc.
 - Sending or leaving unwanted gifts.
 - Initiating contact through third parties.
 - Harassing the victim's friends or family.
- Intimidation
 - Using a weapon as a threat.
 - Forcing confrontations.
 - Threatening to harm or kill the victim, themselves, friends, family, pets, or others the victim cares about.
 - Threatening to share or post private information, photos, or videos of the victim.
- Interference
 - Spreading rumors about the victim.
 - Ruining or attempting to ruin the victim's reputation.
 - Taking and/or sharing photos or videos of the victim without their consent.
 - Posting deepfake photos or videos online of the victim.

For additional information regarding stalking behaviors, [officers] can refer to the Stalking Prevention Awareness and Resource Center's (SPARC) [website](#) and [law enforcement information sheet](#).

HARASSMENT

A person commits a harassment crime if they:

- directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
- follow, monitor, or pursue another, whether in person or through any available technological or other means;
- return to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
- repeatedly make telephone calls, send text messages, or induce a victim to make telephone calls to the actor, whether or not conversations ensue;
- make or cause the telephone of another repeatedly or continuously to ring;
- repeatedly mail or deliver or causes the delivery by any means, including electronically, of letters, telegrams, messages, and packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

- knowingly make false allegations against a peace officer concerning the [officer's] performance of official duties with intent to influence or tamper with the [officer's] performance of official duties; or
- use another's personal information, without consent, to invite, encourage or solicit a third party to engage in a sexual act with the person.

Harassment crimes are elevated to a gross misdemeanor if the conduct was committed with the intent to kill, injure, harass, or intimidate another person if the conduct 1) places the other person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, 2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, or 3) causes or would reasonably be expected to cause substantial emotional distress to the other person. Harassment crimes may also be elevated to a felony if the provisions of [MN Statute 609.749, subdivision 3 or 4](#) are met.

Acts constituting a violation of harassment or stalking, when committed in two or more counties, may be prosecuted in any county in which one of the acts was committed for all acts in violation of [MN Statute 609.749](#).

VIOLATION OF COURT ORDERS

Peace officers must verify whether any of the following orders discussed herein exist before, during, or after an arrest (OFP, HRO, or DANCO). Methods of verification include visually inspecting a paper or digital copy of the order or obtaining verification from the court or law enforcement agency that issued or served the order. If there is an active court order and the suspect violated the order, the [officer's] incident report must include information regarding the order, such as the name of the county where the order was originally issued and the court file number. In the report, [officers] should explicitly identify what provision the suspect violated in the court order.

Order for Protection (OFP). A peace officer must arrest and take into custody, without a warrant, any person who the peace officer has probable cause to believe violated a condition of an OFP granted by the court pursuant to [MN Statute 518B.01](#). Such an arrest must be made even if the violation of the order did not take place in the presence of the peace officer. A violation of an OFP is a misdemeanor but the charge is enhanceable to a gross misdemeanor if the offense occurred within ten years of a previous QDVRO conviction or adjudication. OFP violation charges are enhanceable to a felony if 1) the individual violated the OFP within ten years of the first of two or more previous QDVRO conviction/adjudication or 2) the individual violated the OFP while possessing a dangerous weapon as defined in [MN Statute 609.02, subdivision 6](#).

According to [MN Statute 518B.01, subdivision 18\(a\)\(2\)](#), an OFP is not voided if the respondent was invited by the petitioner to the petitioner's residence. Likewise, an OFP is not void if the petitioner initiates contact with the respondent. There is not a time limitation to effect a warrantless arrest for a violation of an OFP.

Harassment Restraining Order (HRO). A peace officer must arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order granted by the court pursuant to [MN Statute 609.748, subdivisions 4 and 5](#), if the [officer] can establish probable cause and verify the existence of the order. A person who violates an HRO is guilty of a misdemeanor. This offense is enhanceable to a gross misdemeanor if the violation occurs within ten years of a QDVRO conviction. Per [MN Statute 609.748, subdivision 6\(d\)](#), the offense is enhanceable to a felony if the person knowingly violates the order:

- within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications;
- because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in [MN Statute 363A.03, subdivision 12](#)), age, or national origin;
- by falsely impersonating another;
- while possessing a dangerous weapon;
- with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in [MN Statute 609.415, subdivision 3](#), or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or
- against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

Domestic Abuse No Contact Order (DANCO). A peace officer must arrest, without a warrant, and take into custody a person who the peace officer has probable cause to believe has violated a DANCO issued pursuant to [MN Statute 629.75](#). The arrest must be made even if the violation did not occur in the presence of the peace officer. A pretrial DANCO is sometimes continued at the time of sentencing with a new DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicated in the order. The court may rescind a DANCO at any time. A victim's production of a copy of a court order, that appears valid, absent contrary evidence, provides a prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

When investigating a domestic abuse incident, peace officers must, when applicable, consider whether additional crimes have been committed. Other crimes that should be considered are trespassing, criminal damage to property, disorderly conduct, witness tampering, burglary, and/or assault.

CRIME VICTIM RIGHTS AND SERVICES

If for some reason it is not possible to effect the arrest of a suspect during a domestic abuse incident (for example, the suspect fled the scene), [officers] should, when feasible, consider staying at the scene until the likelihood for further violence has been

substantially reduced or eliminated. If the suspect is gone on arrival, [officers] are encouraged to talk to the victim about how to safely contact law enforcement if the suspect returns or their whereabouts are determined. [Officers] are encouraged to provide guidance to victims on how to ensure their own immediate safety (e.g. staying with a family member or friend, having a family member stay with them, or staying at a shelter). If a domestic advocacy program exists in the area, the responding [officer] should initiate contact on behalf of the victim with their permission. [MN Statute 629.342](#) provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim, which includes obtaining any necessary medical treatment, and provide the victim a notice of rights pursuant to [MN Statute 629.341, subdivision 3](#).

Assistance to Non-English-Speaking Victims or Victims with Communication Disabilities. The peace officer shall use the resource list established by this law enforcement agency to contact a person to assist in cases where the individuals involved in the domestic call, including the witnesses, are non-English-speaking, hearing-impaired, or have other communication limitations. The [officer] should avoid the use of friends, family, or neighbors as the primary interpreter for the investigation. Consideration: Is there a bilingual speaking [officer] who could assist?

Notice of Crime Victim's Rights. The peace officer must give the victim of a domestic abuse incident a copy of the agency's crime victim notification form. [Officers] are encouraged to verify the victim understands the victim's rights information they have been provided. The agency will routinely review the form to ensure it is current and in compliance with all applicable MN laws. The Department of Public Safety, Office of Justice Programs, produces the crime victim's rights notice and serves as the contact for victim's rights information.

Services. The peace officer or agency should contact the local domestic abuse program as soon as possible on all domestic abuse situations for which there is probable cause for an arrest and provide the name, phone number, and address of the victim and a brief factual account of the events that transpired. This section shall not apply if the dissemination of certain data is prohibited by the Minnesota Government Data Practices Act.

Child Victims. If a child is present during a domestic abuse incident or if the child is the victim of domestic abuse, the responding [officer] must determine whether the child has been subject to physical abuse, psychological abuse, sexual abuse, or neglect as defined by [MN Statute 260E.03](#). If a peace officer finds a child in an environment which endangers the child's health or welfare or which will endanger the child's welfare, the child should be taken into protective custody pursuant to [MN Statute 260C.175](#). When cases involve children, [officers] must comply with the reporting requirements of [MN Statute 260E, Reporting of Maltreatment of Minors](#). If the child has been injured, the [officer] must escort the child to the nearest hospital for treatment. This can be accomplished by following EMS transport, riding with EMS transport, or by the [officer] transporting the child as appropriate.

STATUTORY REFERENCES

- [CHAPTER 13](#) – Government Data Practices
- [CHAPTER 260E](#) – Reporting of Maltreatment of Minors
- [MN STATUTE 260C.175](#) – Taking Child Into Custody
- [MN STATUTE 518B.01](#) – Domestic Abuse Act
- [MN STATUTE 609.185](#) – Murder in the First Degree
- [MN STATUTE 609.19](#) – Murder in the Second Degree
- [MN STATUTE 609.195](#) – Murder in the Third Degree
- [MN STATUTE 609.20](#) – Manslaughter in the First Degree
- [MN STATUTE 609.205](#) – Manslaughter in the Second Degree
- [MN STATUTE 609.221](#) – Assault in the First Degree
- [MN STATUTE 609.222](#) – Assault in the Second Degree
- [MN STATUTE 609.223](#) – Assault in the Third Degree
- [MN STATUTE 609.2231](#) – Assault in the Fourth Degree
- [MN STATUTE 609.224](#) – Assault in the Fifth Degree
- [MN STATUTE 609.2242](#) – Domestic Assault
- [MN STATUTE 609.2245](#) – Female Genital Mutilation; Penalties
- [MN STATUTE 609.2247](#) – Domestic Assault by Strangulation
- [MN STATUTE 609.25](#) – Kidnapping
- [MN STATUTE 609.255](#) – False Imprisonment
- [MN STATUTE 609.342](#) – Criminal Sexual Conduct in the First Degree
- [MN STATUTE 609.343](#) – Criminal Sexual Conduct in the Second Degree
- [MN STATUTE 609.344](#) – Criminal Sexual Conduct in the Third Degree
- [MN STATUTE 609.345](#) – Criminal Sexual Conduct in the Fourth Degree
- [MN STATUTE 609.3451](#) – Criminal Sexual Conduct in the Fifth Degree
- [MN STATUTE 609.3458](#) – Sexual Extortion
- [MN STATUTE 609.377](#) – Malicious Punishment of a Child
- [MN STATUTE 609.3775](#) – Child Torture
- [MN STATUTE 609.582](#) – Burglary
- [MN STATUTE 609.713](#) – Threats of Violence
- [MN STATUTE 609.748](#) – Harassment; Restraining Order
- [MN STATUTE 609.749](#) – Harassment; Stalking; Penalties
- [MN STATUTE 609.78](#) – Emergency Telephone Calls and Communications
- [MN STATUTE 617.261](#) – Nonconsensual Dissemination of Private Sexual Images
- [MN STATUTE 617.262](#) – Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts
- [MN STATUTE 629.341](#) – Allowing Probable Cause Arrests for Domestic Violence; Immunity from Liability
- [MN STATUTE 629.75](#) – Domestic Abuse no Contact Order
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

Revision approved by the POST Board on ____.

CHARGING TABLE

The table below was created to assist [officers] with their probable cause arrest determinations. The table identifies which crimes a previous QDVRO conviction acts as an enhancement for. To determine the offense level and corresponding statute, start on the left side of the table by identifying the offense, then move to the right. [Officers] should confirm the information in this table with statute to verify the statute.

"Qualified domestic violence-related offense" refers to a violation of or an attempted violation of an order for protection, first-degree murder, second-degree murder, third-degree murder, first-degree manslaughter, second-degree manslaughter, first-degree assault, second-degree assault, third-degree assault, fourth-degree assault, fifth-degree assault, domestic assault, female genital mutilation, domestic assault by strangulation, kidnapping, false imprisonment, first-degree criminal sexual conduct, second-degree criminal sexual conduct, third-degree criminal sexual conduct, fourth-degree criminal sexual conduct, sexual extortion, malicious punishment of a child, burglary in the first degree, threats of violence, violation of harassment restraining order, harassment, stalking, interference with an emergency call, nonconsensual dissemination of private sexual images, violation of domestic abuse no contact order, and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

Offense	Victim	Conviction Look Back Period	Previous Conviction w/in Look Back Period or Qualifying Element	Offense Level	Statute
5 th Degree Assault	Any Victim			Misdemeanor	609.224, sub. 1
		w/in previous 3 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(b)
		w/in previous 3 years	QDVRO (x2)	Felony	609.224, sub. 4(b)
	Same Victim	w/in previous 10 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(a)
		w/in previous 10 years	QDVRO (x2)	Felony	609.224, sub. 4(a)
Domestic Assault	Family or Household Member			Misdemeanor	609.2242, sub. 1
		w/in previous 10 years	QDVRO	Gross Misdemeanor	609.2242, sub. 2
		w/in previous 10 years	QDVRO (x2)	Felony	609.2242, sub. 4

Violation of an Order for Protection	Family or Household Member			Misdemeanor	518B.01, sub. 14(b)
		w/in previous 10 years	QDVRO	Gross Misdemeanor	518B.01, sub. 14(c)
		w/in previous 10 years	QDVRO (x2)	Felony	518B.01, sub. 14(d)(1)
			*** commits act while possessing a dangerous weapon ***	Felony	518B.01, sub. 14(d)(2)
Violation of a Harassment Restraining Order	Any Victim			Misdemeanor	609.748, sub. 6(b)
		w/in previous 10 years	QDVRO	Gross Misdemeanor	609.748, sub. 6(c)
		w/in previous 10 years	QDVRO (x2)	Felony	609.748, sub. 6(d)(1)
			because of actual or perceived protected class status	Felony	609.748, sub. 6(d)(2)
			by falsely impersonating another	Felony	609.748, sub. 6(d)(3)
			while possessing a dangerous weapon	Felony	609.748, sub. 6(d)(4)
			intent to affect juror, judicial proceeding, etc.	Felony	609.748, sub. 6(d)(5)
	Victim under 18 and respondent is more than 36 months older			Felony	609.748, sub. 6(d)(6)

Malicious Punishment of a Child	A Child		***less than substantial bodily harm***	Gross Misdemeanor	609.377, sub. 2
		w/in previous 5 years	1 st – 5 th Degree Assault, Domestic Assault, 1 st – 4 th Degree Criminal Sexual Conduct, or Threats of Violence	Felony	609.377, sub. 3
			substantial bodily harm	Felony	609.377, sub. 5
			great bodily harm	Felony	609.377, sub. 6
	A Child Under 4 Years Old		***harm to head, eyes, neck, or multiple bruises to the child's body***	Felony	609.377, sub. 4
Harassment	Any Victim			Gross Misdemeanor	609.749, sub. 2(c)(1-8)
		w/in previous 10 years	QDVRO	Felony	609.749, sub. 4(a)
			because of actual or perceived protected class status	Felony	609.749, sub. 3(a)(1)
			by falsely impersonating another	Felony	609.749, sub. 3(a)(2)
			while possessing a dangerous weapon	Felony	609.749, sub. 3(a)(3)
			intent to affect juror, judicial proceeding, etc.	Felony	609.749, sub. 3(a)(4)
	Victim Under 18 and actor is more than 36 months older			Felony	609.749, sub. 3(a)(5)
			sexual or aggressive intent	Felony	609.749, sub. 3(b)

The "red pen" copy shows a majority of the changes, but not all changes. The revision process was fluid, therefore, several revision copies were used in the process.

DOMESTIC ABUSE RESPONSE AND ARREST [MODEL POLICY]

Minn. Stat. 629.342

POLICY

It is the policy of The (name of law enforcement agency) ~~to recognize~~ recognizes domestic abuse as a serious problem in today's society. This agency's ~~policy is~~ aims to protect victims of domestic abuse by ensuring its peace officers ~~understand domestic violence statutes and approach domestic violence situations with sensitivity and understanding the laws governing this area.~~

Peace officers will utilize this policy ~~when responding to incidents of domestic abuse. in response to calls when there may be domestic abuse.~~ This policy prescribes courses of action ~~peace officers should take in response to a domestic call.~~ This agency will aggressively enforce the laws without bias and ~~or~~ prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, ~~or~~ national origin, ~~or immigration status.~~

DEFINITIONS

~~For the purposes of this policy, the words and phrases in this section have the meanings given to them, unless another intention clearly appears.~~

Child: ~~has the mean meaning given to it in MN Statute 260C.007, subdivision 4. means a person under the age of 18.~~

Complainant: ~~refers to an individual making a complaint or reporting a crime.~~

Domestic Abuse: ~~has the meaning given to it in Minn. Stat. MN Statute 518B.01, subdivision 2(a)., which states:~~

~~"Domestic abuse" means the following, if committed against a family or household member by a family or household member:~~

~~(1) physical harm, bodily injury, or assault;~~

~~(2) the infliction of fear of imminent physical harm, bodily injury, or assault; or~~

~~(3) Threats of violence, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.~~

Domestic Abuse No Contact Order (DANCO): ~~is~~ refers to an order issued by a judge under Minn. Stat. MN Statute 629.75 ~~by a judge~~ in criminal court. ~~limiting contact between a defendant and a victim of domestic abuse.~~ DANCOs may be issued as a pretrial condition of release and/or as a ~~condition of probationary condition of sentence.~~ Violating a DANCO is a crime.

Domestic Abuse Program: means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

Domestic Call: ~~means~~ refers to a ~~call for service or~~ a request for assistance ~~made~~ to a law enforcement agency regarding domestic abuse. ~~or any other crime against a family of household member.~~

Family or Household Member(s): ~~has the mean meaning given to it in MN Statute 518B.01, subdivision 2(b). has the meaning given it in Minn. Stat. 518B.01, subd. 2(b)(1)-(7): spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.~~

Harassment: has the meaning given to it in MN Statute 609.749, subdivision 2(c). ~~609.748, subd. 1(a): a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.~~

Harassment Restraining Order (HRO): ~~is refers to~~ an order issued ~~by a judge~~ under ~~Minn. Stat.~~ MN Statute 609.748 ~~by a judge~~ in civil court when a petitioner requests a court order preventing another person from having contact with him/her. ~~These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, e-mail, social media and contact through a third party) and may limit the respondent's ability to come within a certain distance of the petitioner's home, work or school. This type of order can be issued no matter what the relationship between the individuals involved. The petitioner of an HRO does not have to be a family or household member to the respondent. Violating an HRO is a crime.~~

Order for Protection (OFP): refers to an order issued by a judge under MN Statute 518B.01, subdivision 5, in cases of domestic abuse. Violating an OFP is a crime.

~~is an order issued under MN Statute 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member (petitioner) of the abuser (called a respondent) may ask the court for an OFP. The relief granted to the petitioner by the court may include, but are not limited to, an order for the respondent to stop domestic abuse, no direct or indirect contact with petitioner, temporary custody of minor children, temporary financial support, and/or counseling for the respondent. Other forms or relief are also available. Violating an OFP is a crime.~~

Petitioner: refers to an individual who initiates a legal proceeding by filing a petition with the court.

Qualified domestic violence-related offense (QDVRO): has the meaning given to it in MN Statute 609.02, subdivision 16. ~~has the meaning given it in Minn. Stat. 609.02, subd. 16 and includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; threats of violence; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.~~

~~If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher level crime. (See Enhancement Table appended hereto.)~~

Respondent: refers the person against whom a court action or protective order is sought.

Stalking: has the meaning given to it in ~~Minn. Stat.~~ MN Statute 609.749, subdivision 5. ~~subd. 1: engaging in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.~~

PROCEDURE

DISPATCHING THE CALLS RECEIVING A DOMESTIC CALL

Receiving the a Domestic Call. Domestic calls for service are considered high priority calls and should be treated accordingly by dispatchers and [officers]. Dispatchers must assign, minimally, two [officers] to a known or suspected domestic abuse call. ~~the dispatcher will assign domestic calls a high priority and should assign at least two officers to the call.~~ If only one [officer] is available, all reasonable attempts should be made to obtain another [officer]. ~~to assist the officer who was initially dispatched.~~ After receiving a domestic call, [officers] shall respond promptly and in accordance with the information received (i.e. is the situation active/ongoing or is the incident being reported several days after the event).

Information to be Obtained. The dispatcher receiving a domestic call should attempt to collect pertinent information from the caller and then relay the information obtained to the responding [officers]. The information dispatchers should attempt to collect from the caller include: ~~elicit from the caller and should communicate to the responding peace officers as much of the following information as possible:~~

- the nature of the incident,
- the address of the incident, including apartment number (if applicable),
- the telephone number(s) **where** by **which** the caller can be reached,
- whether weapons are involved or present in the dwelling,
- whether someone is injured and the nature of the injury,

- information about the suspect ~~including whether the suspect is~~ (i.e. presence, description, direction of flight, mode of travel, etc.),
- the relationship between the caller and the suspect,
- whether there have been ~~prior~~ **previous** calls involving ~~these~~ the caller and suspect ~~individuals~~,
- whether there is an **active** order for protection (OFP), harassment restraining order (HRO), or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
- whether children are present at the scene, and
- whether there are non-English speaking people, ~~or~~ people with mobility impairments, or hearing ~~impairments~~ **impaired individuals** ~~at the scene.~~

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible and ~~should~~ tell the caller ~~that help is on the way, and~~ when they ~~caller~~ can expect the peace officers to arrive.

If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding peace officers.

~~If, for any reason, the dispatcher is unable to remain on the line with the caller and the responding peace officers are some distance away from the call location, and the dispatcher cannot remain on the telephone with the caller/victim, the dispatcher should attempt to call the complainant back periodically to check on their welfare. the caller progress of events, and Dispatchers are encouraged to call again when the officers arrive at the on scene. If the complainant was available by telephone, but later becomes unreachable or the dispatcher encounters a persistent busy signal, that information should be relayed to the responding [officers]. If the dispatcher finds that a victim/caller who was recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher should relay that information to the officers.~~

RESPONDING TO THE **A DOMESTIC CALL**

Driving to the Scene. ~~The~~ Peace officers should respond directly and without unreasonable delay to the scene.

Initial Contact ~~with Occupants.~~ Upon arriving at the scene of a domestic call, the responding officers should identify themselves as peace officers; explain their presence, and request entry into the home. The officers should ask to see the person who is the alleged victim. The officers should separate parties prior to taking statements. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officer should ensure all ~~of the~~ occupants **inside the home or at the call location** are safe.

Entry. ~~Refused Entry—~~ If refused entry, the officers should be persistent about seeing and speaking alone with the **complainant** ~~subject of the call.~~ If access to the **subject complainant** is refused the [officers] should request the dispatcher to contact the caller. ~~Forced Entry—~~

If access is still refused and the officers have reason to believe that someone is in imminent danger, the officers are permitted to force entry. ~~Search Warrant Entry~~— If the officers are refused entry and have no legal grounds for forced entry, but have reasonable grounds to believe a crime has been committed, the officers should contact the appropriate authority to obtain a search warrant.

First Aid. After securing the scene, the responding peace officers shall provide the necessary first aid and request EMS (as applicable). [Officers] may preemptively request EMS be on standby while responding to the scene in an attempt to minimize the response time of medical personnel.

ARREST DECISIONS INVESTIGATION

Making Arrests. After securing the scene and providing any necessary first aid, the peace officers shall ~~will conduct an assessment of~~ begin an investigation and assess the evidence lethality of the situation based on the totality of the circumstances and begin a criminal investigation to determine if there is probable cause to believe that a crime has been committed. ~~based on the evidence and not solely upon the victim's desire to make an arrest. The officers should collect relevant physical evidence including weapons which may have been used, take photographs of the scene or any injuries and take statements from the involved parties and witnesses.~~ During the investigation [officers] should interview the parties involved as well as any witnesses to the incident. [Officers] should collect and/or document any evidence at that scene. ~~Some of the evidence and statements include:~~ As part of the evidence collection process, [officers] should consider:

- taking photos of the scene,
- ~~photographing the condition of clothing of the involved individuals,~~
- ~~property damage,~~
- ~~photographing evidence of~~ physical injuries ~~injury~~ or the presence of petechiae,
- ~~recording and documenting excited~~ utterances ~~of~~ made by the victim and/or the suspect,
- ~~documenting the~~ demeanor of the victim and/or the suspect,
- ~~collecting~~ medical records including the victim's statements to paramedics, nurses and doctors,
- ~~record~~ing interviews ~~of~~ with witnesses including children who may have been present,
- ~~documenting~~ evidence of any prior domestic abuse ~~related incidents —related convictions including dates,~~ and
- ~~documenting~~ any existing OFPs, HROs or DANCOs.

NOTE: When ~~determining~~ establishing probable cause, the peace officers should consider their observations ~~and as well as~~ any statements made by ~~or~~ the parties involved or witnesses ~~and any witnesses.~~ Prior convictions ~~provide the basis for enhancement to a gross misdemeanor or felony charges (see D below).~~

ARREST CONSIDERATIONS

Factors Not to be Considered in Making the Arrest:

Arrest determinations should be based on probable cause after the elements of a crime have been established. [Officers] shall not base their arrest determinations on the following:

- the ownership, tenancy rights of either party, or the fact the incident occurred in a private place,
- belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction,
- verbal assurances that the abuse will stop,
- disposition of previous police calls involving the same victim or suspect,
- denial by either party that the abuse occurred when there is evidence of domestic abuse,
- lack of a court order restraining or restricting the suspect,
- concern about reprisals against the victim,
- adverse financial consequences that might result from the arrest, or
- chemical dependency or intoxication of the parties.

Predominant Aggressor and Dual Arrests. The (name of law enforcement agency) discourages dual arrest, but such arrests are not explicitly prohibited. The agency shall discourage dual arrest[†]. Where When there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor. Such a determination should be based on the officer's own judgment and the following evidence criteria:

- the comparative extent of any the injuries inflicted,
- the presence of fear of physical injury because of past or present threats,
- were actions taken in self-defense or to protect oneself,
- the history of domestic abuse perpetrated by one party against the other, or
- the existence or previous existence of an order for protection.

Victim Request Not to Prosecute. Victims Declining Arrest or Prosecution. If the an [officer] establishes finds probable cause to believe and determines a domestic abuse offense crime has been committed, he/she may effect an arrest. The arrest may be made regardless of a victim's request not to arrest or prosecute a suspect. When an officer encounters a victim wishing to decline charges, the [officer] should explain to the victim that all arrest and prosecutorial determinations are given to law enforcement and prosecutors by statute. are ma and intends to arrest but the victim requests no arrest or

[†] MN STAT 629.342 which mandates the development of a written domestic abuse arrest policy for every law enforcement agency in the state specifies that the policy "shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated."

~~prosecution, the officer should inform the victim that the decision to arrest is the officer's and the decision to prosecute lies with the prosecutor.~~

~~AUTHORITY AND TYPES OF ARREST~~

Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault.

Although the general rule is that officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime requests an arrest) domestic assault is an exception. A peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not take place in the presence of the peace officer (Minn. Stat. 629.341). A peace officer acting in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability ~~that might result from the officer's action.~~

NOTE: An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other individual with whom the charged person resides (Minn. Stat. 629.72).

Level of Arrest for Fifth Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony. ~~Assault in the Fifth Degree and Domestic Assault are deemed misdemeanor offenses. However, changes in the statutes have greatly increased the potential for arrests for these crimes at the gross misdemeanor and felony level. Officers should be aware there are many domestic abuse related crimes that are enhanceable based on an individual's previous criminal convictions. Fifth Degree Assault and Domestic Assault are deemed misdemeanor offenses. When enhancement factors are present, these offenses may be charged out as a gross misdemeanor or felony.~~

- ***Gross Misdemeanors***
 - MN Statute 609.224, subdivision 2(a), Assault in the Fifth Degree provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a qualified domestic violence-related offense (QDVRO) conviction or adjudication of delinquency in Minnesota, or any similar law of another state.
 - If the charge is Domestic Assault (Minn. Stat. 609.2242) and the current victim is a family or household member and the crime occurs within ten years of a QDVRO conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.
 - If there is a prior conviction for assault or threats of violence against any person within two years, a gross misdemeanor may also be charged.
- ***Felonies***
 - If a person commits Fifth Degree Assault against the same victim within ten years of the first of any combination of two or more QDVRO convictions or

adjudications of delinquency, the assault becomes a felony. The same enhancement applies to Fifth Degree Assault against any victim occurring within three years of the first of two or more of these convictions.

- Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member.
- According to MN Statute 609.2247, subdivision 2, whoever assaults a family or household member by strangulation is guilty of a felony.

- ~~Gross Misdemeanors: Minn. Stat. 609.224, subd. 2(a), Assault in the Fifth Degree, provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency in Minnesota, or any similar law of another state.~~

~~If the charge is Domestic Assault (Minn. Stat. 609.2242) and the current victim is a family or household member and the crime occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.~~

~~If there is a prior conviction for assault or terroristic threats against any person within two years, a gross misdemeanor may also be charged.~~

- ~~Felonies: If a person commits Assault in the Fifth Degree against the same victim within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, Assault in the Fifth Degree becomes a felony. The same enhancement applies to Assault in the Fifth Degree against any victim occurring within three years of the first of two or more of these convictions.~~

~~Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member. According to Minn. Stat. 609.2247, subd. 2., whoever assaults a family or household member by strangulation is guilty of a felony.~~

REPORTS AND FORMS

Written Report: Peace officers shall make a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following:

- detailed statements from the victim, suspect, and **any** witnesses,
- a description of injuries,
- information about past abuse;

- a description of the scene;
- an identification of the predominant aggressor if applicable,
- information on the existence of any language barriers,
- the identification presence of elderly victims or those with disabilities, and
- the documentation of evidence.

FURTHER INVESTIGATION

A domestic call shall be turned over to the appropriate investigator for further follow-up if appropriate. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is evidence of a previous conviction, the peace officer should advise the prosecutors of any enhanced criminal sanctions which may be available. Notwithstanding the fact that the officer has decided not to arrest one of the participants in the domestic call, the peace officer shall thoroughly document all relevant information in the report and shall refer the report to the appropriate prosecutor for review and consideration of criminal charges.

LETHALITY/RISK ASSESSMENT

Domestic abuse situations often involve heightened emotional responses from the individual's involved because of the present circumstances as well as the historical context. Historical context is especially important for assessing the potential risk of future domestic violence against an individual victim. Lethality/risk assessments are a tool [officers] can use to explore a victim's/suspect's abuse history and gauge the risk of future abuse. Officers should complete a lethality/risk assessment, approved by the agency, and include the assessment with their report. The assessment should be sent to the attorney's office for review. Minimally, the following questions should be included in the agency's assessment.

- Does the suspect have access to a firearm, or is there a firearm in the home?
- Has the suspect ever used or threatened to use a weapon against you or your children/family members?
- Has the suspect ever attempted to strangle you, cut off the circulation in your neck, or impede your breathing in any way. This may include covering your mouth and/or nose.
- Has the suspect ever threatened or tried to kill you?
- Has the physical violence increased in frequency or severity in recent months?
- Has the suspect ever forced you to have sexual relations against your will?
- Does the suspect control or try to control most or all of your daily activities?
- Is the suspect constantly or violently jealous?
- Has the suspect ever threatened to commit suicide?
- Do you believe the suspect will assault you again?
- Do you believe the suspect will try to kill you?

- Are there any pending or prior OFP, HRO, or other criminal or civil cases involving the suspect?
- Has the suspect previously violated an OFP, HRO, DANCO, or other order in which you were the petitioner or protected party?

[Officers] should ask the victim if they would like assistance contacting a victim's rights advocacy center for assistance.

OTHER DOMESTIC ABUSE RELATED CRIMES

STALKING

It is a felony to engage in stalking with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. Stalking charges should be considered when, within a 5-year period, an individual commits or attempts to commit two or more of the criminal acts described in MN Statute 609.679, subdivision 5(b)(1) through (17). Reports on incidents of stalking should include historical information about/between the individuals involved as well as the emotions the conduct stirred, if any, in the victim(s). This information is necessary to demonstrate patterns of behavior and to satisfy the elements of the crime. Such information is especially important when one of the acts being used to bring forth a charge of stalking was previously attempted but not charged or, possibly, previously reported.

~~The acts which constitute stalking according to Minn. Stat. 609.749 include several which are frequently applicable to domestic abuse situations even when no actual assault occurred:~~

Gross Misdemeanor. ~~A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:~~

- ~~directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act'~~
- ~~follows, monitors, or pursues another, whether in person or through any available technological or other means,~~
- ~~returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent,~~
- ~~repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues,~~
- ~~makes or causes the telephone of another to repeatedly or continuously ring,~~
- ~~repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistance~~

~~devices for the visually or hearing impaired, or any communication made through any available technologies or other objects, or~~

- ~~• knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.~~

~~NOTE: According to Minn. Stat. 609.749, subd. 1a., the State does not have to prove the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated. The intent of the defendant is immaterial. Obtaining a complete domestic abuse history is usually the key to making the determination that the current act, under the circumstances, constitutes the crime of stalking.~~

~~**Felony/Felony Enhancements.** A person who commits any offense described in 3.a) (see above) against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony.~~

~~Any of the above Gross misdemeanor stalking violations may be enhanced to a felony if the criminal act is enhanceable to a felony if committed within ten years of a previous QDVRO conviction or adjudication of delinquency (MN Statute 609.749, subdivision 4) OR if committed against a juvenile OR if committed while possessing a dangerous weapon.~~

~~In addition, it is a felony to engage in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. According to Minn. Stat. 609.749, subd. 5, a "pattern of stalking conduct" means two or more acts (convictions are not necessary) within a five-year period that constitute any of the following offenses: murder, manslaughter, threats of violence, fifth-degree assault, domestic assault, violation of domestic abuse orders for protection, violation of harassment restraining orders, certain trespass offenses, interference with an emergency call, obscene or harassing telephone calls, letter, telegram, or package opening or harassment, burglary, damage to property, criminal defamation, first to fifth-degree criminal sexual conduct, and violations of domestic abuse no contact orders.~~

~~The stalking statute makes it more important than ever to document not just the facts of the current police call but also the history of abuse or stalking.~~

~~Venue (Minn. Stat. 609.749, subp. 1b.): If a suspect commits acts of stalking in different counties, the acts may be consolidated and prosecuted in any county in which one of the acts was committed. If the conduct that constitutes stalking is done through use of a wireless or electronic communication device, the conduct can be prosecuted in the county where either the suspect or victim resides.~~

~~**Probable Cause Warrantless Arrest:** The domestic abuse arrest statute (Minn. Stat. 629.72) provides an officer may not issue a citation in lieu of arrest in harassment/stalking,~~

~~domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order cases. According to Minn. Stat. 629.34, subd.1(c)(5) an officer may also make a warrantless probable cause arrest even if the offense did not occur in the officer's presence if the officer has reasonable cause to believe the offense was a gross misdemeanor or felony (no 72-hour restriction).~~

~~**Probable Cause Felony Arrests for Other Crimes:** At a domestic call peace officers shall consider whether other felonies have been committed including but not limited to, burglary, felony assault, threats of violence, kidnapping, false imprisonment, and witness tampering.~~

~~**NOTE:** An Assault 5 may be chargeable as burglary in the first degree even if the home is also the offender's if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.~~

HARASSMENT

A person commits a harassment crime if they:

- directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act,
- follows, monitors, or pursues another, whether in person or through any available technological or other means,
- returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent,
- repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversations ensue,
- makes or causes the telephone of another repeatedly or continuously to ring,
- repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects,
- knowingly makes false allegation against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties, or
- uses another's personal information, without consent, to invite, encourage or solicit a third party to engage in a sexual act with the person.

Harassment crimes are elevated to a gross misdemeanor if the conduct was committed with the intent to kill, injure, harass, or intimidate another person if the conduct 1) places the other person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, 2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, or 3) causes or would reasonably be expected to cause substantial emotional distress to the other person. Harassment crimes may also be elevated to a felony if the provisions of MN Statute 609.749, subdivision 3 or 4 are met.

NOTE: Acts constituting a violation of harassment or stalking, when committed in two or more counties, may be prosecuted in any county in which one of the acts was committed for all acts in violation of MN Statute 609.749.

VIOLATION OF COURT ORDERS

~~The~~ peace officers shall verify whether any of the following orders exist before or during an arrest. The peace officer or someone acting at the officer's direction may make this verification. Methods of verification include personally seeing a copy of the order or obtaining verification from the court or law enforcement agency that has the actual order. The police report shall include identifying information of the specific court order violated, including county of origin, the file number, and the provision allegedly violated.

Order for Protection (OFP). A peace officer shall arrest and take into custody without a warrant a person who the peace officer has probable cause to believe has violated any condition of an OFP granted pursuant to ~~MN Statute Minn. Stat. 518B.01, subds. 6, 7, and 9.~~ Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, ~~if the officer can verify the existence of the order.~~ A violation of an OFP is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within ten years ~~of a previous QDVRO conviction or adjudication of discharge from sentence for conviction of violation of an OFP or for any conviction of assault, terroristic threats, violation of a harassment order or harassment/stalking.~~ It is enhanceable as a felony if it occurs within ten years of discharge of the first of two or more such convictions or while possessing a dangerous weapon. .

NOTE: ~~Minn.Stat.~~ MN Statute 518B.01, subdivision 18(a)(2), states that an OFP is not voided ~~even~~ if the respondent was invited back to the residence by the petitioner, and there is no hour limitation for a warrantless arrest for a violation of an OFP.

OFPs and DANCOs can be verified on the State MNJIS system, also known as the Hot Files. HROs are not in the Hot Files system at this time but are still enforceable.

Harassment Restraining Order (HRO). A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order pursuant to Minn. Stat. 609.748, subds. 4 and 5, if the officer can verify the existence of the order. **NOTE:** A person who violates an HRO is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable to a gross misdemeanor if it occurs within ten years of ~~a previous-qualified-domestic-violence-related offense~~ QDVRO conviction or adjudication of delinquency. Per Minn. Stat. 609.748, subd. 6(d), it is enhanceable to a felony if the person knowingly violates the order:

- within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency,
- because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in section 363A.03), age, or national origin,
- by falsely impersonating another,
- while possessing a dangerous weapon,

- with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.414, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding, or
- against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

Domestic Abuse No Contact Order (DANCO). A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a DANCO, even if the violation of the order did not take place in the presence of the peace officer, ~~if the existence of the order can be verified by the officer.~~ ~~The~~ A pretrial DANCO is sometimes continued at the time of sentencing with a new, probationary DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicated in the order. The court may rescind a DANCO at any time. ~~However,~~ A victim's production of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

ADDITIONAL CRIMES

At a domestic call, the peace officer shall consider whether other crimes have been committed including but not limited to trespassing, criminal damage to property, disorderly conduct, witness tampering, **burglary**, or assault.

~~ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS AND SERVICES~~

~~**Staying at the Scene:** If no arrest is made peace officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated.~~ If arrest is not possible or the suspect has fled the scene of the incident, officers should consider staying at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated. If a domestic abuse intervention program ~~is available~~ exists in the area, the peace officer should make contact for immediate intervention. **NOTE:** ~~Minn. Stat.~~ MN Statute 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to ~~Minn. State.~~ MN Statute 629.341, subdivision 3.

Assistance to Non-English-Speaking Victims or Victims with Communication Disabilities. The peace officer shall use the resource list established by ~~the~~ this law enforcement agency to contact a person to assist in ~~those~~ cases where the participants in the domestic call, including the witnesses, are non-English-speaking, are hearing-impaired, or have other communication disabilities. The officer should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.

Notice of Crime Victim's Rights. The peace officer shall give the victim of a domestic call a copy of the agency's crime victim notification form. **NOTE:** It is important to routinely review these forms to ensure that they are current, in compliance with the law, and contain the name of ~~the any~~ local domestic abuse programs ~~in the area~~. The Department of Public Safety, Office of Justice Programs, produces the crime victim's rights notice and serves as the contact for the victim's rights information.

Services. The peace officer should contact the local domestic abuse program by phone as soon as possible on all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action. This section shall not apply if prohibited by the Minnesota Government Data Practices Act (~~Minn. Stat. 13.82, subd. 10~~).

CHILDREN

Child Victims. ~~If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subject to physical abuse, sexual abuse, or neglect. If a peace officer finds a child in an environment which endangers the child's health or welfare or which will endanger the child's welfare, the child may be taken into protective custody pursuant to MN Statue 260C.175. When cases involve children, officers shall comply with the reporting requirements of MN Statute 260E, Reporting of Maltreatment of Minors. If the child has been injured, the officer should escort the child to the nearest hospital for treatment.~~ ~~If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of Minn. Stat. MN Statute 260E 626.556, Reporting of Maltreatment of Minors. The officers shall also attempt to verify whether there has been an Order for Protection (Minn. Stat. 260C.201). If the child has been injured, the officer should escort the child to the nearest hospital for treatment.~~

REPORTS AND FORMS

- ~~1. **Written Report:** Peace officers shall make a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following:~~
 - ~~▪ detailed statements from the victim, suspect and witnesses;~~
 - ~~▪ description of injuries;~~
 - ~~▪ information about past abuse;~~
 - ~~▪ description of the scene;~~
 - ~~▪ predominant aggressor;~~
 - ~~▪ existence of language barriers;~~
 - ~~▪ presence of elderly victims or those with disabilities; and~~
 - ~~▪ documentation of evidence.~~

H. FURTHER INVESTIGATION

- ~~1. A domestic call shall be turned over to the appropriate investigator for further follow-up if appropriate. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is evidence of a previous conviction, the peace officer should advise the prosecutors of any enhanced criminal sanctions which may be available.~~
- ~~2. Notwithstanding the fact that the officer has decided not to arrest one of the participants in the domestic call, the peace officer shall thoroughly document all relevant information in the report and shall refer the report to the appropriate prosecutor for review and consideration of criminal charges.~~

STATUTORY REFERENCES

- MN STATUTE 518B.01 – Domestic Abuse Act
- MN STATUTE 609.185 – Murder in the First Degree
- MN STATUTE 609.19 – Murder in the Second Degree
- MN STATUTE 609.195 – Murder in the Third Degree
- MN STATUTE 609.20 – Manslaughter in the First Degree
- MN STATUTE 609.205 – Manslaughter in the Second Degree
- MN STATUTE 609.224 – Assault in the Fifth Degree
- MN STATUTE 609.2242 – Domestic Assault
- MN STATUTE 609.2245 – Female Genital Mutilation; Penalties
- MN STATUTE 609.2247 – Domestic Assault by Strangulation
- MN STATUTE 609.25 – Kidnapping
- MN STATUTE 609.255 – False Imprisonment
- MN STATUTE 609.3458 – Sexual Extortion
- MN STATUTE 609.582 – Burglary
- MN STATUTE 609.749 – Harassment; Stalking; Penalties

Revision approved by the POST Board on ____.

Enhancements Table

Entire table updated- see new approved policy

Conviction means a plea of guilty or verdict of guilty accepted by the court (Minn. Stat. § 609.02, subd. 5).

Discharge from Offense means the time between conviction and the end of 5 years following discharge from sentence for that offense.

QDVRO means a “Qualified Domestic Violence Related Offense” which includes a violation of or an attempt to violate a domestic abuse order for protection; first or second-degree murder; first through fifth-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth-degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order (DANCO); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. (Minn. Stat. 609.02, subd. 16)

Offense	Victim of Offense	Time Limit	Prior Conviction	Offense Level
Assault 5	Same Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1 st of 2 or more convictions	QDVRO	Felony
	Any Victim	w/in 3 years of conviction	QDVRO	Gross Misdemeanor
		w/in 3 years of 1 st of 2 or more convictions	QDVRO	Felony
Domestic Assault	Family/Household Member (as defined in Minn. Stat. 518B.01, subd. 2.)	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of 1 st of 2 or more convictions for Domestic Assault or Assault 5	QDVRO	Felony
Malicious Punishment	Any Victim	w/in 5 years of discharge	Assault 1-5, Domestic Assault, Malicious Punishment, Criminal Sexual Conduct 1-4, or Terroristic Threats	Felony
Violation of Order for Protection or Harassment Restraining Order	Any Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1 st of 2 or more convictions	QDVRO	Felony
Stalking	Any Victim	w/in 10 years of conviction	QDVRO	Felony
Interference w/ Privacy	Any Victim	None	Interference w/ Privacy or Stalking	Gross Misdemeanor

Example of Enhancement Reachback:	
Arrest for Assault 5 & Malicious Punishment	1/1/2013
Plea (Accepted) to Assault 5 & Malicious Punishment (Conviction)	6/1/2013
Sentence of 2 years of probation	8/1/2013
Expiration of reachback for any victim for Assault 5	6/1/2016

Discharge from sentence	8/1/2015
Expiration of reachback for any victim for Malicious Punishment	8/1/2020
Expiration of reachback for same victim for Assault 5	6/1/2023

PB Rev 04/2013