



Minimum Selection Standards and Thorough Background for Hiring

Minn. Stat. 626.87 and Minn. R. 6700.0670, 6700.0675, 6700.0700

A. Requirements for Background Investigation

1. Before employing an unlicensed or licensed applicant in a peace officer position, the law enforcement agency must complete a background investigation on the applicant that meets the requirement of Minn. Rules chapter 6700.0670 Subpart 2.
2. In compliance with Minnesota Statutes, section 363A.08, subdivision 4, paragraph (a), clause (1), the background investigation may not be conducted by anyone, including the chief law enforcement officer, involved in the selection of applicants for a peace officer position.
3. A background investigation is **valid for 6 months** after completion. If the applicant is not hired during the 6 months after completion, the background investigation must be updated before a final offer of employment to the applicant.
4. An agency may choose to limit the scope of the background investigation to a criminal history check and a driving records check when:
 - (1) the position being filled is for a seasonal or temporary position; **and**
 - (2) the applicant remains currently employed in Minnesota as a peace officer by a different agency as verified in writing by the current employing agency.
5. The chief law enforcement officer must notify the board as soon as possible but no later than ten days after the date that:
 - (1) a background investigation is initiated, giving the applicant's full name, date of birth, and peace officer license number, if applicable;
 - (2) a background investigation identifies:
 - (a) a disqualifying offense under the minimum selection standards in part 6700.0700, identifying the disqualification(s); or and
 - (b) for a licensed peace officer:
 - i. a disqualification under the minimum selection standards in part 6700.0700, even if the officer is exempt under part 6700.0700 Subp. 1A; and
 - ii. any conduct that would be a violation of standards of conduct under this chapter.

A CLEO's report to the board required under this part must comply with 28 U.S.C. 20.33.

The background notification form can be found on the POST website:

<https://mn.gov/post/applicants/resourcesfforms/> and emailed to postboard.agency.docs@state.mn.us .

6. A background investigation must address the following elements:

1. United States citizenship status or work authorization
2. Criminal history, arrests and warrant information
3. Driving record history
4. Use of alcohol, controlled substances and intoxicating substances
5. Discriminatory conduct as defined in part 6700.0100
6. Education verification
7. Employment history
8. Military history verification
9. Personal and professional references
10. Personal interview
11. Residential history
12. Records checks, such as open sources or social media, and financial information, as permitted by law

13. Inquiry to the local prosecuting authority and law enforcement agencies in any jurisdiction in which the applicant has served as a peace officer as to whether the prosecuting authority or law enforcement agency has any knowledge of conduct, records, investigations, or disciplinary or court findings related to the applicant that involves:

- abuse of police authority;
- bias against protected class;
- felony criminal conviction or finding of guilt;
- conviction or finding of guilt for a crime of dishonesty;
- mishandling of evidence or property;
- undisclosed or improper inducements to witnesses or suspects;
- unauthorized, unreasonable, or excessive use of force;
- unauthorized access to or unlawful misuse of government data; or
- other conduct which required a *Brady-Giglio* disclosure by a prosecuting authority.

B. Minimum Selection Standards:

1. Applicant must have United States citizenship status or be eligible to work in the United States under federal requirements.
2. Applicant must possess a valid Minnesota driver's license or, when residing in another state, a valid driver's license from that state.
3. Applicant must provide a complete personal history using a form provided by the law enforcement agency.

4. Applicant must be fingerprinted, and the fingerprints must be forwarded by the agency to the BCA and the FBI for a criminal history check. The results must be maintained in the background investigation report.
5. The applicant must have completed training equivalent to or exceeding the requirements for emergency medical responder registration under MSS 144E.27 Subd. 2(1)-(2); or it is to be completed within the first six months of employment. ***Exemption may apply**
6. Applicant cannot have any of the following convictions:
 - A felony in Minnesota or an offense in another jurisdiction that would be a felony if committed in Minnesota;
 - A felony in another jurisdiction that is not a felony in Minnesota, unless the felony has been expunged, set aside, pardoned, or the person's civil rights have been restored and expressly provides for the possession of a firearm.
 - Gross misdemeanor assault in the fifth degree (MSS 609.224);
 - *Bias crimes, including assaults motivated by bias under MSS 609.2231 Subd. 4, and criminal damage to property under MSS 609.595 Subd. 2, paragraph (b);
 - Domestic Assault (MSS 609.2242);
 - *Violation of a Domestic Abuse No Contact Order (MSS 629.75 Subd. 2);
 - *Violation of an Order for Protection (MSS 518B.01 Subd. 14);
 - *Harassment or Stalking (MSS 609.749)
 - *Violation of a Harassment Restraining Order (MSS 609.748 Subd. 6);
 - *Sexual Extortion (MSS 609.3458);
 - *Criminal Sexual Conduct (MSS 609.341 to 609.3451);
 - *Indecent Exposure (MSS 617.23);
 - Any mistreatment of a vulnerable adult, including under MSS 609.2231; 609.231; 609.2325; 609.233; 609.2335; 609.234; and 609.72 Subd. 3;
 - Patrons of Prostitution (MSS 609.324 subd. 2);
 - Making False Claims for Profit to a Public Body or Officer (MSS 609.465);
 - Attempting Medical Assistance Fraud (MSS 609.466);
 - Theft (MSS 609.52) **Except misdemeanor theft of moveable property valued at \$500 or less*
 - *Interference With an Emergency Call (MSS 609.78 Subd. 2 (1));
 - *Nonconsensual Dissemination of Private Sexual Images (MSS 617.261);
 - *Interference with Privacy (MSS 609.746);
 - *Malicious Punishment of a Child (MSS 609.377);
 - *Mistreating Animals (MSS 343.21);
 - Misconduct of a public officer or public employee (MSS 609.43)
 - Narcotics or controlled substance law, excluding any non-felony marijuana offenses
 - *Exemption may apply to some non-felony convictions**
7. Applicant cannot have been required at any point in time to be registered as a predatory offender under MSS 243.166 or 243.167; or required to register as a sex offender in any other state at any point in time.

8. Applicant cannot be listed on the IADLEST National Decertification Index or have had a law enforcement license, certification, or authorization to serve as a law enforcement officer in any jurisdiction revoked or rescinded. ***Exemption may apply**

9. Applicant must be free of discriminatory conduct as defined in Minn. Rules 6700.0100 Subp. 26. ***Exemption may apply**

10. Applicant must have no record of conduct, as described in part 6700.1600 Subpart 1 (H-I), with;
a. A hate or extremist group as defined by 6700.0100 Subpart 29; or
b. A criminal gang as defined by Minn. Stat. 609.229, Subd. 1.
***Exemption may apply**

C. Medical and Psychological Screenings (after conditional offer of employment)

1. Medical examination by a licensed medical professional is required. Applicant must be free from any physical condition that would adversely affect the performance of peace officer duties.

***Exemption allowed for seasonal or temporary positions.**

2. Psychological screening by licensed psychologist is required. Psychological screening must not be older than one year at time of hire. Screening must meet the criteria described in Minn. Rules 6700.0675. ***Exemption allowed for seasonal or temporary positions.**

D. Exemptions to the Minimum Selection Standards

An officer with a current active or current inactive license on June 1, 2023 is exempt from minimum selection requirements listed in part A and B below, unless that license was inactive for a period of more than 12 consecutive months at any time after June 1, 2023. The exemption applies only to conduct that occurred prior to **June 1, 2023**.

- A. 6700.0700 Subp.1. D(3) Items b, d, e, f, g, h, i, j, p, q, r, s, and t; and
- B. 6700.0700 Subp.1, Items F, G, H, and L.

Unlicensed applicants who enrolled in a PPOE program or an agency cadet or training program prior to January 1, 2023; and completed the program and passed the licensing exam before December 31, 2028; are exempt from the following minimum selection requirements for conduct that occurred prior to **January 1, 2023** when applying for a law enforcement position:

- A. 6700.0700 Subp.1, D(3) Items b, d, e, f, g, h, i, j, p, q, r, s, and t; and
- B.6700.0700 Subp.1, Items F, G, H, and L.

E. Applicant Requirements

1. Each applicant for employment as a peace officer must provide a personal history statement to the agency when the agency initiates a background investigation. The statement must include:
 - background information on the topics addressed in Minn. Rules 6700.0670 subpart 2;
 - a list of current and former names or aliases used by the applicant;
 - a complete list of all law enforcement agencies the applicant has applied to in the previous six years;
 - a signed declaration attesting that all of the information the applicant has provided during the background investigation and in the personal history statement is true and correct to the best of the applicant's knowledge;
 - a signed release allowing background investigation information to be shared with the board and with other law enforcement agencies on request; and
 - any additional information the applicant wishes to include.

2. Each applicant must consent to, disclose, and facilitate a review of social media accounts, platforms, and groups in which the applicant has participated to the extent permitted by law. An applicant is not required to provide login information.

3. Each applicant who is currently or previously licensed as a peace officer must authorize the release to the employing law enforcement agency and board of the officer's applicant's personnel files data, including disciplinary, termination, civil or criminal investigation, and other records or information that are directly related to minimum selection requirements for licensure.

4. Each applicant who is currently or previously licensed as a peace officer must disclose any conduct that resulted or may result in an impeachment disclosure or Brady-Giglio impairment, or disciplinary or court findings of which the applicant has personal knowledge that find the applicant to have engaged in:
 - abuse of police authority;
 - bias against a protected class;
 - felony criminal conviction or finding of guilt;
 - conviction or finding of guilt for a crime of dishonesty;
 - an act or statement of dishonesty
 - mishandling of evidence or property;
 - undisclosed or improper inducements to witnesses or suspects;
 - unreasonable or excessive use of force;
 - unauthorized access to or unlawful misuse of government data; or
 - other conduct which that resulted in a Brady-Giglio disclosure by a prosecuting authority.

Nothing in this section prevents the applicant from providing additional or contextual information on the reported conduct.

F. Other Prohibitions

Although not specified as a licensure disqualification in POST regulations, an applicant may meet all of the minimum selection standards but be ineligible to possess firearms due to conditions set forth in MN Stat. 624.713 or 18 US Code 922. It would be unlawful for an ineligible person to possess a firearm to complete any of the mandatory firearms training needed to obtain and maintain licensure as a peace officer.

G. More Rigid Standards

A law enforcement agency may require its applicants to meet more rigid standards than those prescribed.

H. Documentation

The CLEO must retain the documentation necessary to show compliance with the background and minimum selection requirements for the duration of any resulting employment.

If the applicant is not employed by the agency, the background investigation must be retained for six years or as required by the agency's retention schedule, whichever is longer.

The documentation is subject to periodic review by the board, and must be made available to the board at its request.