



Board of Peace Officer Standards and Training

Review of rule changes



Board of Peace Officer Standards and Training

Minimum Selection Standards

Rule Changes – Minimum Selection Standards

Non-Criminal Disqualifiers

- Listed on the National Decertification Index (NDI) or have had a law enforcement license, certification, or authorization in any jurisdiction revoked or rescinded.
- Discriminatory conduct
- Conduct with a hate or extremist group or a criminal gang

Additional Changes

- Citizenship or **eligible to work in the US under federal requirements**
- **Theft under \$500 no longer a disqualifier (Does not mean you have to hire)**
- **EMR training or equivalent**

Rule Changes – Minimum Selection Standards

Selected Criminal Disqualifiers

Note: These are CONVICTIONS

- Violation of OFP or no contact order
- Harassment or stalking
- Bias crimes, sexual extortion, all CSCs, indecent exposure, making false claims, interfere with 911 call, mistreatment of children or animals, nonconsensual dissemination of private sexual images, and misconduct of a public official.
- See additional crimes under 6700.0700



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Background Requirements

Rule Changes – Background Requirements

New Section 6700.0670:

- Background investigations initiated 6/1/23 or later must meet new requirements
- Lays out what needs to be included in the background investigation
- A background investigation is required for every new non-temporary/seasonal hire, including currently licensed officers
- Completed investigations are valid for only 6 months, then must be “refreshed”
- Retention: Hired = length of employment, not hired = 6 years or agency retention schedule (which ever is longer)
- CLEO must ensure POST is notified of when you start a background or when someone is washed because of violation of minimum requirements

Rule Changes – Background Requirements

- **Applicants must, at a minimum, provide:**
 - Residential history
 - Names and aliases
 - Agencies applied at in past 6 years
 - Social Media accounts/platforms (not log in information)
 - Any court findings or discipline
 - Any other information as requested by agency

Rule Changes – Background Requirements

- **Your agency must address/investigate the following:**

- Applicant is legal to work in US (change from Citizen)
- Criminal history & fingerprints
- Driving record of all applicable states
- Applicants use of alcohol and drugs
- History of discriminatory conduct
- History of activity with extremist group or criminal gang
- Employment, military, social media, education, and financial history
- **Records from previous LE employers** and inquiry with “prosecuting authorities” for Brady issues for lateral transfers/licensed individuals

Rule Changes – Background Requirements

Exemption to Full Background Investigation

- For a seasonal or temporary position (see definitions in 6700.0100), when the agency selects a currently licensed and currently employed officer, the agency may decide to limit the investigation to a criminal history check and driving records check. Requires written confirmation from current employing agency. Review MN Rule 6700.0670 Subp. 2(B) for specifics.



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Psychological Screening

Rule Changes – Psychological Screening

New Section 6700.0670:

- Psychs initiated 6/1/23 or later must meet new requirements
 - Be conducted by licensed psychologist
 - Include written test battery relevant to LE
 - Interview
 - Psychologist must provide a written report and speak on applicants history of discriminatory conduct, evaluation of emotional and mental conditions not conducive to LE
 - Screenings are required for every new hire for both new applicants and licensed officers.
- The agency is not required to screen the applicant when:
 - The position being filled meets the definition of a temporary or seasonal position as defined in Minnesota Rules 6700.0100; **and** the new hire is a currently licensed officer, as verified in writing by the current employing agency

Rule Changes – Psychological Screening

- Results of screening must be retained by agency
 - If hired, keep as long as person is employed
 - If not hired, keep for 6 years or per agency's retention schedule (whichever is longer)



Board of Peace Officer Standards and Training

Standards of Conduct

Rule Changes – Standards of Conduct

- Conduct of currently licensed law enforcement officers that occurred before June 1, 2023 is subject to standards of conduct in effect at the time the conduct occurred.
- The “engaged in” standard is different from past rules and does not require an arrest or conviction.
- Officers are required to self-report any prohibited conduct to POST and the CLEO within 10 days.

Rule Changes – Standards of Conduct

Prohibited Conduct Related to On-duty Activity

Use of Force:

- Engage in unreasonable or excessive use of force; unauthorized use of force, or unauthorized use of deadly force;
- Fail to intercede when observing another officer using force beyond that which is objectively reasonable;
- Fail to report any use of force violations by another employee or officer in writing within 24 hours to the chief law enforcement officer;

Rule Changes – Standards of Conduct

Prohibited Conduct Related to Off-duty Activity

- Discriminatory conduct (Minn Rules 6700.0100 subp. 26)
- Engage in bias crimes, including assaults or criminal damage to property motivated by bias (Minn. Stat. 609.2231, subd. 4, and 609.595, subd. 2 (b));
- Join, support, advocate for, maintain membership, or participate in the activities of:
 - A hate or extremist group (6700.0100 subp. 29); or
 - A criminal gang (Minn. Stat. 609.229 Subd. 1);
- Violation of a domestic abuse no contact order (Minn. Stat. 629.75, subd. 2);
- Violation of an order for protection (Minn. Stat. 518B.01 subd. 14);
- Harassment or stalking (Minn. Stat. 609.749);
- Violation of a harassment restraining order (Minn. Stat. 609.748 subd. 6);
- Interference with an emergency call (Minn. Stat. 609.78, subd. 2 (1));

Rule Changes – Standards of Conduct

The Standards of Conduct now also include/match up with all of the Minimum Selection Standards in 6700.0700.

A complete listing of all of the new rules is available on the POST website at:

- https://mn.gov/post/assets/Final-Rules-Adopting_tcm1189-575322.pdf

We also provide links to quick summaries of the new requirements at:

- <https://mn.gov/post/boardscommittees/rules/currentrulemakingactivity/>

Questions?