

STATEMENT OF NEED AND REASONABLENESS
REGARDING PROPOSED PERMANENT RULES OF THE
MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

4 MCAR § 13.021 Introduction and Scope

Minn. Stat. § 626.84, et seq. (Supp. 1981) provide for the selection, training, licensing and training reimbursement of peace officers, and provide for the promulgation of rules to assist the POST Board in fulfilling its goals. The following proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. The following statement of need details why the Board believes that these proposed rules are necessary and reasonable.

4 MCAR § 13.022 Definitions

A. Applicability. It is necessary to show the limits of applicability of these rules.

B-T. Definitions. It is necessary to define certain terms used in these rules as these terms might otherwise be subject to various interpretations.

4 MCAR § 13.023 Basic Course

This rule is nearly identical to the previous Board Rule 13.003 under which the Board has operated for the past three years.

A. The only significant change here is that first-aid will now be required of students before they are eligible to take the academic examination. The previous rules did not specify when first-aid was to be completed. This ambiguity resulted in a number of problems for students and the Board alike. Advanced first-aid is a lengthy course and cannot reasonably be taught in the skills school without seriously abridging the curriculum of the skills school; and, in fact, first-aid has never been taught by the skills school. Nor is it generally possible for a student to obtain first-aid training concurrently with skills training. The Board's experience has shown that if first-aid is not completed prior to taking the licensing examination, considerable confusion often results on the part of hiring authorities over the applicant's licensing status. As a practical matter, this rule change will represent a significant improvement over the previous rules. By requiring first-aid training prior to completion of the academic program, all students completing a skills school and passing the skills licensing examination will be eligible for licensure.

B. This rule is identical to the previous rule 13.003 B.

C. This rule is identical to the previous rule 13.003 C, except for minor changes in wording.

D. This rule is identical to the previous rule 13.003 D, except for minor changes in wording.

E. This rule is identical to the previous rule 13.003 H, except for minor changes in wording.

F. This rule specifies the duties and functions of the coordinator at each school. As the coordinator is responsible for ensuring that Board learning objectives are met through his school's curriculum, it is necessary and reasonable for the Board to have access to documentation at each certified institution showing that the educational requirements leading to licensure are being met.

G. This rule is identical to the previous rule 13.004 except for minor changes in wording. The rule is placed here to improve the arrangement of these rules and to help better distinguish instructors at certified schools from continuing education instructors.

4 MCAR § 13.024 Certification of Schools

A. This was previously 4 MCAR § 13.005 A. The wording has been changed slightly to accommodate new terms which appear in the definition section.

B. This rule is identical to the previous rule 13.005 C.

C. It is necessary and reasonable to establish a time limit for provisional certification of schools. A one-year period is sufficient for the Board to make a considered judgment as to whether or not the school should be certified. A longer period of provisional certification would be unfair to any institution that is hesitant to commit itself fully to the establishment of a program that is not yet certified and would be similarly unfair to students who may already be in the program.

It is necessary and reasonable, however, for the Board to have a mechanism for decertifying any school that fails to continue to meet the criteria established in these rules; hence, the second part of this rule.

D. It is necessary and reasonable that the Board have the means for ensuring the continued cooperation of each school in all matters relating to peace officer education, training and licensing. The power to impose disciplinary action when necessary is the only means for ensuring that cooperation.

1-4. It is necessary and reasonable to specify the conditions necessary for continued certification of schools. These conditions are that the learning objectives be taught and that the staff and faculty cooperate with the Board in any investigations. This rule also specifies various categories of misconduct as grounds for disciplinary action.

E. It is necessary and reasonable to specify what sanctions the Board may impose.

F. This states the means by which disciplinary proceedings may be conducted.

4 MCAR § 13.025 Peace Officer Pre-Employment Education

A. This rule is identical to the previous rule 13.006 F, except for minor changes in wording.

B. This rule is nearly identical to the previous rule 13.006 F and G under which the Board has operated for the past three years. The Board has found that the six-month time limit on completing the skills school specified in the previous rules was unnecessary and it was impractical to enforce. The Board's experience shows that such a time limit should be a matter of policy for the school itself to address.

C. This rule is identical to the previous rule 13.006 H, except for minor changes in wording.

D. It is necessary and reasonable to have a mechanism whereby individuals trained in a state other than Minnesota and who wish to become employed here can become licensed without having to unnecessarily duplicate all of their basic police training. It is necessary, however, to give the Board a certain degree of discretion in determining what is comparable pre-employment education, as out-of-state training varies greatly in its quality and scope. At present, the Board recognizes basic police training acquired in all other states except Mississippi, West Virginia and Hawaii. The Reciprocity examination is intended to ensure that individuals from out-of-state who wish to become licensed in Minnesota have mastered applicable Minnesota Statutes and other essential information that is unique to Minnesota before they may be considered eligible to be licensed in Minnesota.

E. It is necessary and reasonable to state at what stage of any individual's professional preparation he is actually eligible for employment, as this is somewhat at variance with practices followed in other states. It is also different from the system used in Minnesota prior to 1980. Minn. Stat. § 620.84 Subd. 2 states that an officer must be licensed in order to carry a firearm and practice law enforcement.

4 MCAR § 13.026 Licensing Examinations

A. The Statutory authority for administering licensing examinations is given in Minn. Stat. § 214.06.

B. The Statutory authority for charging examination fees is provided in Minn. Stat. § 214.06.

C. It is necessary and reasonable to allow each applicant more than one opportunity to retake an examination, should he not pass it on the first attempt. However, due to the nature of the examination and the subject matter it encompasses, it is necessary to set a limit of two re-examinations if the examination is to accurately measure an applicant's knowledge of the subject matter.

4 MCAR § 13.027 Minimum Selection Standards

This rule pertains to the standards for selecting new peace officers. Because law enforcement is such a demanding and sensitive occupation, the need for minimum entry standards has long been recognized. The standards enumerated here are essentially the same as those in the previous rule 4 MCAR § 13.020.

A. Pursuant to 13.035 it is necessary for an individual to be licensed as a peace officer in order to carry a firearm while on duty and to practice law enforcement. It is therefore necessary and reasonable to establish that all selection standards be completed before an individual actually begins to work in the capacity of a law enforcement officer.

Agencies are given the authority to adopt previously completed standards at their own discretion as long as appropriate documentation is maintained pursuant to 4 MCAR § 13.027 B. This is necessary and reasonable to avoid costly and unnecessary duplication of selection standards.

1. No change from previous rule 4 MCAR § 13.020 B.1.
2. No change from previous rule 4 MCAR § 13.020 B.2.
3. No change from previous rule 4 MCAR § 13.020 B.3, except that second part of the previous rule has been moved to #4 for improved organization.
4. This is essentially the same as #3 of the previous rule 13.020 B, except for improved wording. The fingerprinting requirement has been moved to #6 for improved organization.
5. Identical to #4 of the previous rule 13.020 B.
6. The fingerprinting requirement was listed in #3 of the previous rule 13.020 B. That rule, however, did not specify to which agencies the fingerprints were to be sent; nor was it made clear what was to be done if a felony were disclosed by these means. Since confusion existed on this point, it is necessary and reasonable to specify here what these procedures shall be.
7. Identical to #5 of the previous rule 13.020 B.
8. Identical to #6 of the previous rule 13.020 B.
9. Identical to #7 of the previous rule 13.020 B.
10. Identical to #9 of the previous rule 13.020 B.

B. Since agencies are given the authority to apply the selection standards, it is necessary for them - and unnecessary for the board - to maintain documentation of these standards. However, since questions relating to an officer's licensing status may arise at any point subsequent to an officer's submitting a licensing application, it is necessary and reasonable that the board have clearly defined access to this documentation, should it find it necessary.

C. Licensed peace officers are not required by these rules to meet selection standards if they become employed with another agency. It is necessary and reasonable, however, to state that an agency is in no way prevented from applying any of these or similar standards at its own discretion.

D. It is necessary and reasonable to state that the minimum selection standards enumerated in this rule do not in any way prevent an agency from applying additional, or more stringent standards of its own, as this is consistent with the purpose of these minimum standards.

4 MCAR § 13.028 Licensing of Peace Officers

A. Notification to the Board shall take place before the appointee begins his employment because the appointee must be licensed to practice law enforcement pursuant to 13.035 and a license can only be activated by informing the board of the appointment and by meeting the selection standards.

B-D. For administrative purposes, it is necessary to distinguish between individuals who already are licensed peace officers, and those who are eligible to be licensed. These rules apply only to persons in the latter group. This rule also states when and how the license is actually obtained.

E. It is necessary and reasonable that the Board retain permanent ownership of the license in order to forestall problems that could arise if disciplinary sanctions against any license are taken.

4 MCAR § 13.029 Continuing Education

A. Except for minor changes in wording, this rule is nearly identical to the previous rule 13.008 A, under which the Board has operated for the past three years.

B. This rule is identical to the previous rule 13.008 B, except for minor changes in wording.

C. It is reasonable and necessary for the board to have the authority to establish criteria for establishing a professional level of continuing education and to ensure that this level is maintained.

D. This rule is identical to the previous rule 13.008 C, except for minor changes in wording.

E. In order to ensure uniformity in the level of instruction throughout the state, it is necessary and reasonable that the Board have the authority to issue specific learning objectives applicable to the content of continuing education courses.

F. It is necessary and reasonable for the Board to have the authority to monitor and evaluate any continuing education course in order to determine whether the standards established in these rules are being met.

G. Inactive licensees are required to meet similar continuing education standards to those for active licensees. However, if cases should arise where limited enrollment in a particular class results in certain individuals being precluded from attendance, it is reasonable as a means of determining priority, that active licensees be given precedence over inactive ones, since usually the urgency of the former group's need for attending a given class will, on the whole, be greater than that of the latter.

H. Recordkeeping. The Board maintains computer records of all continuing education credits earned by each licensed officer in the state in order to determine whether the continuing education requirement for renewal has been met. It is necessary and reasonable to require course sponsors to promptly notify the Board of all licensees who successfully complete a continuing education course to ensure that this record is kept up-to-date, so that possible discrepancies can be corrected within a short period of time, and no unmanageable recordkeeping backlog is created.

I. Instructor Credit. It is reasonable that some continuing education credit be awarded to instructors who are also licensed peace officers for the following reasons:

1. There is an inherent educational value in teaching. An instructor cannot help but increase and strengthen his own knowledge and expertise in a subject by designing, preparing and presenting a course on that subject.

2. As a practical matter, since the majority of instructors are licensed peace officers, instructor credit is a necessary and desirable incentive to induce officers with expertise in a certain subject to teach.

Two hours of credit are offered for each hour of instruction because of the amount of preparation time involved in teaching. No more than half of an individual's continuing education requirement may be fulfilled in this way. It is necessary to limit the amount of credit earned so that instructors will also be required to continually update their own education.

J. Non-Approval of Courses. The Board recognizes that many quality law enforcement related courses are given for which no prior approval has been sought; as, for example, a seminar given at a conference given in another state. It is therefore reasonable that licensees not be denied credit simply because formal Board approval was not sought prior to the course date.

It is necessary and reasonable that a formula be established for converting college credit to continuing education credit. The formula set forth in this rule has been carefully designed and developed.

K. In order to ensure and maintain a meaningful level of professional continuing education, it is necessary and reasonable to restrict or deny credit for certain kinds of educational activities that either are inadequately supervised, or that do not, in the Board's opinion, represent a sufficiently high level of educational content.

L. This rule sets forth a system for formally providing, measuring and acknowledging the knowledge, skills and abilities needed to perform specialized law enforcement functions.

The value of a peace officer's license is enhanced when it can acknowledge areas of expertise that its holder possesses. A license endorsement also has a practical value, such as, for example, when an officer is called to testify in court or is asked to instruct other officers.

4 MCAR § 13.030 License Renewal

A. Since the Board is mandated to license a large number of peace officers, part-time peace officers and constables, the three year renewal period provides a satisfactory means for carrying this out administratively, since only one-third of all licenses are renewed each year.

Three years of experience with this system for peace officers has led us to believe that this system will work best for part-time peace officers and constables as well.

B. It is necessary and reasonable to require that license renewal be carried out in a uniform and expeditious manner.

C. This rule is necessary and reasonable to establish the exact details of the renewal process, including: the deadline date for renewal, the fees and the amount of continuing education required for individuals in various categories.

D. In order to facilitate the administrative handling of license renewal, it is necessary and reasonable to have a rule which will ensure a smooth transition to a different renewal cycle if a change in surname places an individual in a different renewal category.

4 MCAR § 13.031 Part-Time Peace Officers

The Minnesota Board of Peace Officer Standards and Training has the authority to license part-time peace officers pursuant to Minn. Stat. §§ 626.845(d) and 626.8463. It is therefore necessary to establish procedures by which the board can comply with these statutes.

The previous rule, 4 MCAR § 13.014, established a provisional license to enable part-time peace officers to function in the capacity of part-time peace officers while they are fulfilling the requirements necessary to obtain the part-time peace officer license. In the present rule, the provisional license is to function exactly as before, and administrative processes associated with the provisional license are established for the first time.

A. Continuing education for part-time peace officers is not mandated by statute. The policy enunciated here leaves the question of continuing education for these officers to be addressed by each individual agency. It is based on the legislature's stated policy on the use of part-time peace officers and the manner in which they are to be trained.

B. Minn. Stat. § 626.8463 Subd. 2 requires that a peace officer be licensed in order to carry a firearm while on duty. It is therefore necessary and reasonable to require agencies to apply for provisional licensure of a part-time officer before the officer actually begins to function in a law enforcement capacity. If an individual officer or his agency were not required to make such an application before the officer commenced his duties, the officer would be practicing law enforcement without a license, and would continue to do so until such an application were made and approved.

An agency hiring a part-time officer who already possesses a part-time peace officer license should be required to notify the board before the individual may commence employment, so that the officer's license may be activated at the same time his employment begins.

C. Minn. Stat. § 626.8463(a) requires an agency to provide proof to the board within six months of appointment that a part-time peace officer has met the selection standards of the board then in effect. It is therefore necessary and reasonable to state what those selection standards are. The board has closely examined the nature of part-time peace officer work throughout the state and has chosen those selection standards which it deems most important to effectively screen out individuals unfit for the position. At the same time, these standards should not pose undue hardships for communities to apply.

D. These correspond to the requirements given in Minn. Stat. § 626.8463(b).

E. The statutes cited above do not state whether completion of any of the requirements listed in C and D of this rule prior to the officer's appointment to his present position should count toward obtaining a license. It is therefore desirable to have a rule that sets forth a clear policy on this question. The board believes that the decision of whether or not to adopt previously completed standards is best left up to the appointing authority. The appointing authority is required by this rule to document any previously completed requirements, however, so that the board shall have ready access to such information in the event that questions concerning the status of the individual's license ever arise.

F. Since the provisional part-time peace officer license is linked to compliance with 4 MCAR § 13.031 C and D, within the statutorily defined time frames, it is necessary and reasonable to establish a consistent and expeditious means for notifying the board of this compliance.

G. It is necessary and reasonable to designate a single individual within each agency who will be responsible for notifying the board of compliance with 4 MCAR § 13.031 C and D, as Minn. Stat. § 626.8463 clearly places the burden of such notification on the agency and not on the individual part-time peace officer.

H. Minn. Stat. § 626.8463 requires part-time peace officers to pass a board part-time peace officer licensing examination within 24 months of appointment. It is necessary to allow an individual to take this examination only after he has completed the provisions of 4 MCAR § 13.031 C and D to allow a simple and effective means for the board to systematically monitor compliance.

The 24-month limit on completing the part-time peace officer license set in Minn. Stat. § 626.8463 coincides with the maximum period a provisional license may be valid. It is necessary and reasonable to clearly establish this time limit in rule form because the provisional license is not statutorily determined.

I. It is necessary and reasonable to establish administrative procedures for issuance of the part-time peace officer license to individuals who have met all of the requirements set forth in this rule.

J. Because all licenses issued by the board are considered to be active only for as long as an individual remains employed as a peace officer, it is necessary and reasonable to establish administrative procedures for processing the licenses of part-time peace officers who terminate their employment with their agency.

Because some part-time peace officers may terminate their employment for a short period before becoming re-employed elsewhere, it is necessary to establish a policy on whether these individuals should have to resubmit to the selection standards detailed in 4 MCAR § 13.031 B. In light of the proposed rule 4 MCAR § 13.027 which does not require peace officers who leave law enforcement for a brief period to re-submit to selection standards upon being re-hired elsewhere, requiring part-time peace officers to do so is similarly unnecessary. A time limit of one year is reasonable to allow an officer to change employment within that relatively short time. A year limit is placed on this exemption so that the intended function of the selection standards is not sidestepped.

K. It is necessary to state that licensed peace officers, as defined in Minn. Stat. § 626.84(c), who might happen to be employed part-time shall not be required to meet the provisions of this rule because the selection and training requirements associated with the peace officer license are much more comprehensive in nature than those for the part-time peace officer license. In no case are peace officers required to obtain any other category of peace officer license.

4 MCAR § 13.032 Constables

The Minnesota Peace Officer Standards and Training Board has the authority to license constables pursuant to Minn. Stat. § 626.845 Subd. 2. It is necessary to establish procedures by which the board can comply with these statutes.

The concept of the provisional license for constables is identical to that for part-time officers and was established in 4 MCAR § 13.014 of the previous rules.

A. As constables must be licensed to perform their official function, it is necessary and reasonable to require that a designated authority notify the board of the election or appointment of any constable so that a license may be issued coincidentally with the constable's assumption of his duties.

B-E. Constables who have already fulfilled the selection and training requirements set forth in Minn. Stat. § 626.8463 and who are not already licensed by the board must meet requirements identical to those for part-time peace officers enumerated in 4 MCAR § 13.031 C and D. It is therefore necessary and reasonable to adopt a parallel administrative system for monitoring compliance with these requirements in order to establish eligibility for licensure.

F. This is identical to the requirement for part-time peace officers given in 4 MCAR § 13.031 H.

G. This is identical to the requirement for part-time peace officers given in 4 MCAR § 13.031 I, except that the fees enumerated here are the same as those for peace officers. It is reasonable to base the constable license fee on that for licensed peace officers (that is, full-time peace officers) because constables are not limited by law in the number of hours they may work, and are therefore, from the standpoint of their licensing status, not part-time employees. The lower fee for part-time peace officers is based on the fact that these individuals do, in fact, only work part-time.

H. This is identical to 4 MCAR § 13.031 J, stating the administrative policies for licenses of individuals who leave law enforcement.

I. This is identical to 4 MCAR § 13.031 K.

4 MCAR § 13.033 Transition From Part-Time Peace Officer To Peace Officer

A. Laws of 1981, Chapter 310 requires the board to establish a means by which part-time peace officers may, in certain instances, obtain a peace officer license by means of successfully completing additional training. This rule, if adopted, will specify the conditions for eligibility to pursue this route to licensing and establish what additional training will be required for officers in this category.

B. In order to preserve the integrity of the current system of law enforcement education in Minnesota and to avoid the possibility of deliberate circumvention of that system, it is necessary and reasonable to establish strict criteria for determining the eligibility of those who wish to avail themselves of this process.

1. A total of 1040 hours of experience as a licensed part-time peace officer is one of those criteria: it ensures that an individual has, on the average, already worked for at least a year since becoming licensed. Since one of the underlying concepts implicit in this new law is that experience will compensate for the training that is lost in this abbreviated system, a minimum

level of experience has to be established. A period of 1040 hours establishes a valid level of experience without eliminating many otherwise qualified persons through an unattainably higher number of working hours.

2. Before the board can consider lifting the hour restriction on any part-time officer, it is necessary that the officer meet the same selection standards that all other full-time peace officers are required to meet prior to employment. As part of a city's demonstration of a compelling need to have its officer pursue this transitional route, it is reasonable to require that the officer meet all selection standards. In this way, no time or resources will be lost in considering the application of an unqualified person.

C. As this transitional process is to be available on the basis of "compelling need", as stated in Chapter 310, it is necessary and reasonable to establish a formal process whereby this need may be demonstrated. By requiring a formal resolution on the part of the hiring authority to effect this transition, capricious decisions by single individuals within an agency, that may not accurately reflect the desires of the authority as a whole, may be tempered or controlled.

A requirement for prompt submission of this document to the board following the formal resolution is necessary (1) to ensure that the administrative process of acting on the city's application can be carried out in an orderly and speedy fashion, and (2) to prevent possible abuse of the system by cities that might wish to retroactively justify an excessive number of hours worked by a part-time officer.

D. 1. It is necessary and reasonable to place a limit on the period of time an individual shall be allowed to have his hour restriction removed to prevent serious abuses of this transitional system, such as, for example, circumvention of the entire current law enforcement educational system. To allow an individual an indefinite period to pursue the specialized training set forth in this rule would almost certainly result in a number of inadequately trained individuals working and functioning as full-time peace officers, with no intention of, or incentive to, ever complete their training.

For the same reason, it is further necessary to prevent any individual who has failed to obtain the required training within the one year limit, from bypassing the time limit altogether by applying for successive waivers of the hour restriction.

It is necessary to reiterate the fact that this waiver of hours may come only on the initiative of each single agency through its officer and should not operate on the officer's own initiative. Therefore the lifting of the hour restriction may benefit only the agency that has filed the declaration of intent.

2. It is clear from the statute that, as a part-time peace officer proceeds with this transitional system, the only real change in his licensing status is in the lifting of the 20-hour per week limit. In other words, the officer is still a licensed part-time officer in all other aspects, including counting towards his agency's quota. It is therefore necessary and reasonable to state this fact unequivocally in rule form to avoid possible misunderstanding.

E. Laws of 1981, Chapter 310, directs the board to consult and cooperate with post-secondary institutions in the establishment of a course of specialized training for part-time peace officers who have had their hour restriction removed and who wish to obtain a peace officer license.

Such training may be made available by any sponsoring agency that wishes to provide it, as long as the requirements of 4 MCAR § 13.023 A are met. Although the intention of this "specialized training" is to allow qualified individuals to obtain a peace officer license in the shortest possible period, the specialized training school must meet all of the criteria enumerated in 4 MCAR § 13.023. In addition, the student must satisfactorily complete all necessary requirements before he shall be permitted to take the licensing examinations.

F. It is necessary and reasonable that individuals availing themselves of the transitional process be required to attend a skills school for the reason stated in E above.

G. It is necessary and reasonable to state at what stage in this process a part-time peace officer shall be eligible to be licensed. Having completed the skills examination, an individual in this category has met all licensing requirements and may be licensed pursuant to 4 MCAR § 13.028.

4 MCAR § 13.034 Inactive Status of Peace Officer License

A. Because the status of peace officer's license is tied to his employment as a peace officer, it is necessary and reasonable to have a rule requiring agencies to report to the Board all terminations so that appropriate administrative action by the board can be taken.

B. This rule pertains to people who leave law enforcement and wish to retain their license. Adoption of this rule will facilitate an individual's re-entry into law enforcement without further training or testing because the board would have the assurance that this person has remained current in the field.

C. The invoking of selection standards after a person has been out of law enforcement for more than a year is consistent with the provisions of 4 MCAR § 13.027. A person who is out of law enforcement for less than a year is exempt from this provision because a reasonable time limit had to be established to avoid redundant and unnecessary re-application of standards in situations where an officer spends a few weeks or months between jobs. A year is a reasonable limit to this exemption.

4 MCAR § 13.035 Scope of Standards of Conduct

The language of this rule has been adopted unchanged from section 13.011 of the previous rules.

4 MCAR § 13.036 Standards of Conduct

A-G. These seven standards of conduct have been adopted unchanged from the previous rule 4 MCAR § 13.012.

H. The board is empowered by Minn. Stat. § 626.842 Subd. 2 to investigate and process complaints made against individuals it licenses. 4 MCAR § 13.037, if adopted, will detail the administrative procedures to be followed in investigating and processing complaints. Cooperation with the board by individuals who may be connected in any way with a complaint investigation or disposition is essential to an impartial and effective adjudication. To help ensure this cooperation on the part of licensees who may have conflicting interests in a given complaint investigation, it is necessary and reasonable for the board to have the authority to impose sanctions on individuals who might otherwise refuse to cooperate.

4 MCAR § 13.037 Complaint Processing

A. Minn. Stat. § 626.842 Subd. 2 directs the board to investigate and process complaints pursuant to Minn. Stat. § 214. Minn. Stat. §§ 214.10 and 214.11 detail the procedures to be followed in the investigation, processing and hearing of complaints. The purpose of this legislation is to ensure that all peace officers conform to minimum standards of conduct. At the same time, it seeks to preserve respect for the rights of peace officers and the public in enforcing those standards.

It is necessary and reasonable to establish the exact manner in which the processing of complaints is to take place, as there are some details of this process that are left unspecified in the statutes. In order to present this process in a coherent and complete format, some parts of this rule necessarily duplicate the statutory language of Minn. Stat. §§ 214.10 and 214.11.

This rule provides a necessary and reasonable procedure that will allow for a consistent and orderly administration of the provisions of the above-named statutes.

B. Minn. Stat. § 214.10 Subd. 4 specifies the composition of the complaint committee, but does not state who shall appoint these members or name the chairman. It is therefore necessary and reasonable that the board chairman shall perform these functions, as it is he who has the ultimate responsibility for the direction of the activities of this committee.

C. It is necessary and reasonable to state that all three members of the complaint committee shall be present to act and that the committee's decision shall be by majority vote. This will prevent the possibility of any two members acting and reaching decisions irrespective of the wishes of the third member.

D. Minn. Stat. § 214.10 Subd. 4 states that the subcommittee "shall determine by majority vote whether the complaint constitutes reasonable grounds to believe that a violation within its jurisdiction of enforcement has occurred, and to this end shall afford the party bringing the complaint, the chief law enforcement officer of the agency employing the peace officer who is party to the action, and the subject of the complaint a reasonable opportunity to be heard.

1. The purpose of the initial hearing is to comply with this statutory directive. It is necessary and reasonable to establish administrative policies that will allow a consistent and workable system for conducting this hearing.

2. The results of this initial hearing are spelled out in Minn. Stat. § 214.10 Subd. 4, 5, and 6. The option to continue is a necessary one in those cases where, due to a lack of sufficient information, no reasoned decision can yet be adequately formulated.

E. This rule establishes the procedure for carrying out the provisions of Minn. Stat. § 214.10 Subd. 5. It is necessary to specify fifteen days as the reasonable extension mentioned in Subd. 5 to ensure that excessive and unnecessary delays do not occur in the processing of complaints.

F. 1. The second hearing is specified in Minn. Stat. § 214.10 Subd. 5 as a means for considering the results of the investigation and determining what further action should be taken. It is necessary and reasonable that administrative policies be established that will provide for a consistent and workable system for conducting this hearing.

2. The results of this hearing are spelled out in Minn. Stat. § 214.10 Subd. 5 and 6. The option to continue the matter is a necessary one in those cases where, due to a lack of sufficient information, no reasoned decision can yet be adequately formulated.

G. Minn. Stat. § 214.10 Subd. 5 states that the committee's decision may be appealed to the full board by any member of the committee. It is necessary and reasonable to establish administrative procedures by which such as appeal may be carried out promptly and within the provisions of this statute.

H. This rule repeats the statutory language of Minn. Stat. § 214.10 Subd. 6. It is necessary to include it here for reasons stated in section A above.

I. Minn. Stat. § 214.10 Subd. 6 directs the board to review the findings of the committee at this stage of the process. It is necessary and reasonable to establish procedures by which this review can be carried out in a consistent and expeditious manner.

J. Pursuant to Minn. Stat. § 214.10 Subd. 6, the board may order a license revocation hearing in accordance with Minn. Stat. § 15. It is necessary and reasonable to set up administrative procedures through which this review can be carried out in a consistent and expeditious manner.

4 MCAR § 13.038 Reimbursement to Local Units of Government

A. The Board is authorized by Minn. Stat. § 626.86 to reimburse local units of government to help defray the costs of continuing education with funds appropriated by the legislature. This rule is necessary and reasonable to provide a mechanism for effecting that reimbursement.

B. In effecting this reimbursement, it is necessary to establish criteria for eligibility that are equitable and workable. It is necessary and reasonable to apply minimum requirement to determine eligibility so that agencies cannot claim shares of the reimbursement fund for officers who did not actually receive a minimum amount of continuing education, or who worked for two or more departments during the reimbursement period and have already been reimbursed for some of that training at one of their other departments.

C. It is necessary, in light of what was stated above, to ensure that no two agencies are reimbursed for the same officer, regardless of what the arrangement for sharing the officer's services between those two agencies may have been (see F below).

D-E. It is necessary and reasonable to establish an administrative procedure for effecting this reimbursement each year.

F. It is necessary and reasonable to establish discretionary power for the executive director in determining which agency may claim an individual for reimbursement in disputed instances where the individual has worked for more than one agency during the reimbursement period. It is also necessary that the director be given the authority to obtain any further information that might be necessary in making this determination.

4 MCAR § 13.039 Reimbursement To Institutions Providing Skills Training

A. Pursuant to Laws of 1981, Chapter 341, Subd. 1, the Board shall provide reimbursements to institutions conducting board-approved courses in law enforcement skills training. In order for the Board to make these reimbursements, it is necessary to establish administrative procedures for doing so.

It is necessary to state that such reimbursement is contingent upon the continued availability of funds designated for this purpose, because were the funds to be discontinued, reimbursement could not take place, and this rule could no longer be kept in force.

B. The purpose of this reimbursement is to help institutions meet the high cost of skills training and to ensure the continued existence of this vital step in the law enforcement training process. It is necessary to state that schools which combine academic and skills training not be included in this reimbursement, because (1) they are not actually providing a skills course per se, and do not, therefore, qualify as skills schools, and (2) to include them in this reimbursement would dilute the reimbursement the skills schools receive, thereby possibly endangering the continued existence of the skills schools.

C. The statute referred to in the preceding paragraphs states that each school should receive a reimbursement based on the number of students completing the program. It is necessary and reasonable to establish an administrative process for distributing this appropriation.

D. In order that the reimbursement process may be administered in a consistent and efficient manner, it is necessary to designate a single official connected with each skills program to make the application for reimbursement. It is necessary and reasonable to have the school include in its application for reimbursement the names of those for whom reimbursement is being sought in order to ensure that an exact and verifiable number is submitted to the Board.

E. It is necessary and reasonable to state how each application shall be verified and approved, and how payment shall be made.