

Exhibit C

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

STATEMENT OF NEED AND REASONABLENESS

Continuing Education Credit Hours;
Lapsed License Restoration; and
Reimbursement to Local Units of
Government

Minnesota Rules, part 6700.0900 CONTINUING EDUCATION

Subp. 3. H. The term contact hour will no longer be used in order that licensees be allowed to obtain continuing education credit through non-traditional learning methods. Recent technological advances in various forms of computer and media-aided instruction and their general acceptance as educational tools by the educational and law enforcement communities make it necessary and reasonable that a rule be adopted to accommodate these alternatives to "contact" (i.e., instructor - class - lecture) instruction.

By eliminating a requirement for a minimum period of instruction, law enforcement agencies are given the flexibility to utilize shorter instruction periods which will count for continuing education credit as, for example, a twenty-minute presentation during the roll-call period. The necessity for this has been confirmed through careful consultation with law enforcement educators and practitioners.

Minnesota Rules, part 6700.1000 LICENSE RENEWAL

Subp. 5. The experience of several years has led the Board to the conclusion that a simpler and faster process is necessary for restoring the licenses of those who have failed to renew their licenses by the required date.

The present system is expensive and needlessly cumbersome, as it requires lapsed licensees to submit to an administrative process that was designed for another purpose; viz., the handling of misconduct complaints against licensees. The present system necessitates the special convening of the complaint committee each July for no other purpose than to approve routine requests for reinstatement of lapsed licenses. The time required to resolve these matters is, at present, excessive, and can result in missed employment opportunities and lost work time for lapsed licensees. The proposed rule is reasonable and necessary to provide an efficient means for resolving this problem.

Subp. 6. It is necessary to distinguish between previously licensed individuals who have been unlicensed for a relatively short period and those who have been unlicensed for longer periods. Since the continuing education requirement is designed to keep licensees current in their field, it is necessary to ensure that individuals

who are becoming relicensed are in step with those who have maintained their licenses continuously. Individuals whose license lapsed less than three years earlier may be reinstated by making up the number of continuing education credits they would have to have completed anyway. Those whose licenses have been lapsed more than three years are dealt with in subpart 9. Essentially, individuals in this rather infrequently occurring category will have to demonstrate that their training has been updated by passing the appropriate examination for the type of license being reinstated as a condition to reinstatement.

Subp. 7. It is necessary and reasonable to set a license renewal fee for a lapsed license to recover administrative costs in addition to the standards renewal fee which is included in it.

Subp. 8. It is reasonable to require those whose licenses have been reinstated to meet the same continuing education requirement that all other licensed officers are required to meet. This is to ensure that the individual's level of training is up-to-date and in step with others in the profession. The fact of a license having lapsed should confer no special advantage to the individual who allowed his license to lapse in the first place.

Subp. 9. It is necessary and reasonable to have a separate reinstatement process for those whose licenses have been lapsed for more than three years for the reasons discussed in the notes to subpart 6 above.

Subp. 10. The Board strongly believes that law enforcement training must be continually updated: yearly changes in the criminal and traffic codes, new court decisions, and rapid technological changes in patrol techniques must all be assimilated by law enforcement professionals in order that they be able to function effectively. Officers whose training is not current are not only a liability to themselves, but can prove to be a costly liability to the people they are entrusted to serve as well.

It is reasonable and necessary to require persons who have not practiced law enforcement in Minnesota for more than three years to demonstrate that they are up-to-date in the knowledge and skills necessary to function as law enforcement professionals. The licensing examination for the appropriate category of license to be reinstated is the best available existing vehicle for measuring this knowledge.

Subp. 11. Notwithstanding, the fact that this rule has been developed to ensure that a more orderly and straightforward process is available for reinstating lapsed licenses, there still must exist a means by which individuals can dispute administrative decisions having a bearing on their own particular cases and be afforded the due process that an administrative hearing can provide.

Minnesota Rules, part 6700.1600 VIOLATION OF STANDARDS OF CONDUCT

E and F. The reason for eliminating failure to comply with the Board's continuing education requirement was dealt with in 6700.1000, subpart 5. This particular requirement, along with failure to pay the required renewal fee, was never strictly in keeping with the other standards of conduct, as it related to failure to meet a particular requirement rather than the violation of a standard of conduct. It is therefore necessary and reasonable to eliminate these particular requirements as standards of conduct, as they are now adequately and more appropriately dealt with by the administrative procedures on lapsed licenses.

Minnesota Rules, part 6700.1800 REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT

Subp. 3. The change in this section's title is necessary to clarify ambiguous wording. A statutory distinction is made between a part-time peace officer (i.e., one who holds a special "part-time peace officer license" and who has no continuing education requirement), and a peace officer who may happen to be employed on a part-time basis.

Subp. 4. Experience with the rule in its current form has shown that it is impractical for the Board to compile this list. It is difficult for the Board to ascertain from a complete roster of an agency's law enforcement personnel who qualifies for reimbursement. Since the agency itself is making application for the reimbursement, it will prove simpler and more accurate to rely on the agency's own list. This is in keeping with other Board rules that rely more on declarations of compliance by the agencies themselves than on having the Board itself attempt to establish such compliance.

Subp. 5. The 45-day time limit has proven to be difficult for some agencies to meet especially as the period for filing for reimbursement occurs during the summer when some agencies may find themselves temporarily short of personnel and city councils which often are required to review and approve these applications may have difficulty convening. Based upon POST Board experience, it is believed that extending this period by a little more than two weeks should allow all agencies adequate time to apply for their reimbursement share without undue haste or hardship.

Minnesota Rules, part 6700.0900 CONTINUING EDUCATION

Subp. 11. Repealed. Considerable discussion with law enforcement educators and practitioners has led the Board to the decision to allow so-called "non-traditional" learning experiences to count for continuing education credit, as discussed in the section on rule 6700.0900, subpart 3.H. above. It is therefore necessary to remove that part of the rules which expressly prohibited such learning methods in the past.