

Exhibit C

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

STATEMENT OF NEED AND REASONABLENESS

Minnesota Rule, part 6700.1100

Introduction

Laws of Minnesota 1985, Chapter 13 changes the manner in which part-time peace officers and constables will be licensed after August 1, 1985. The following rule amendments and additions are necessary to bring Minnesota Rules, part 6700.1100 and 6700.1200 into accordance with this new amendment.

The statutory change will require that individuals who are about to be appointed to a part-time peace officer or constable position already have completed all selection, training and testing requirements. Minn. Stat. 626.8463 had, until this amendment was passed, allowed these part-time peace officers and constables a certain time limit to complete these requirements, during which time they were licensed by a provisional licensing system as provided under current board rules. The new legislation eliminates the need for a provisional license for those part-time peace officers and constables appointed after August 1, 1985. The selection, training and testing requirements themselves were not changed by the legislative amendment mentioned above.

Since the new legislation does not take effect until August 1, 1985, and since those officers appointed before that date have up to two years in which to complete their provisional licensing requirements under the current rules, it was necessary to create a new rule for both part-time peace officers and constables, 6700.1101 and 6700.1201, to cover those officers appointed on or after August 1, 1985, while allowing the current rules, 6700.1100 and 6700.1200, to continue operating as they have until now (with only such editorial changes as are necessary to indicate to whom these rules shall continue to apply) until August 1, 1987, at which time they shall cease to function and be repealed, since the mechanics of these rules, current and to be adopted, will, at that time, have eliminated forever the entire pool of provisional licensees over whom the rules now have authority.

Minnesota Rules, part 6700.1100, subp. 11 and 12. The reason for these amendments was discussed in the last paragraph of the introduction.

Minnesota Rules, part 6700.1200, subp. 10. The reason for this amendment was discussed in the last paragraph to the introduction.

Minnesota Rules, part 6700.1101, subp. 1. Scope and purpose. This repeats the wording of 6700.1100, subp. 1, the only addition being the final sentence, which necessarily shows the applicability of the entire rule.

Subp. 2. Minimum selection and training standards. This subpart contains the identical selection, training and testing requirements that are contained in Minn. Stat. 626.8463. It is necessary to state that these requirements shall be completed before a part-time peace officer or constable is appointed to bring these rules into accordance with the amendment to that statute after August 1, 1985, as discussed in the introduction.

Sections A-D are unchanged from the previous wording of these rules, except that all mention of time limits for completing these requirements have been removed, for reasons stated in the introduction.

Section E. The part-time peace officer licensing examination must be taken before the individual is appointed for the same reasons the requirements stated in Sections A-D must be completed by the time of appointment. It is necessary to allow applicants to take the examination only upon completion of steps A-D for the following reason. The board has long held the belief that each agency is responsible for assessing the extent and nature of the training needs of its part-time peace officers (see the scope note at the beginning of this rule).

It is necessary and reasonable to require that all selection and training requirements be met before the applicant is allowed to take the examination.

It has been the board's practice under the system of provisional license established in 6700.1000 to withhold access to taking the examination until these requirements have been completed. The selection and training requirements have served as a natural screening device to eliminate unsuitable candidates to part-time law enforcement positions in the state. The board's internally compiled statistics show that a significantly greater number of individuals began the provisional licensing requirements than actually became licensed, thus we can assume that at least some of these could not meet the selection standards or failed to obtain the prescribed training. There is no reason to administer the examination to individuals who either have not yet met the training requirements or who cannot meet the required selection standards. It is both prudent (for test security) and economical to withhold access to this examination from those who have not yet shown themselves to be qualified to be licensed part-time peace officers.

It is necessary and reasonable to put a limit on the time an individual has to become licensed as a part-time peace officer after taking the examination. Frequent and regular changes in the state criminal and traffic codes make the knowledge gained in one year obsolete the next if continued training is not provided. A one-year time limit is necessary to ensure both the individual and the hiring agency that the license-applicant's knowledge is reasonably current.

In practice, it would seem that few would actually exceed this deadline, since to bring an applicant to the stage of eligibility to take the exam will require the expenditure of a not unconsiderable amount of time and effort by an agency. To not hire the individual at this point after having gotten him or her through all the various requirements, would appear to be an unlikely occurrence. The rule is basically a safeguard to ensure a reasonable level of current law enforcement information in licensing applicants.

Subp. 3. Documentation. This rule is identical to subp. 6 of 6700.1000.

Subp. 4. Notification of appointment of part-time peace officer. This rule is identical to subp. 7 of 6700.1000.

Subp. 5 and 6. License application procedure and issuance of part-time peace officer license. The procedure for application for and issuance of the part-time peace officer license are in all essentials the same as those for other board licenses (see 6700.0800).

Subp. 7. Inactive status of part-time peace officer license. This subpart is identical in all essentials to Minnesota Rules, part 6700.1100, subp. 10.

Subp. 8. Inapplicability. This subject is identical to Minnesota Rules, part 6700.1100, subp. 11.

Minnesota Rules, part 6700.1201 Constables. As the amendment to Minn. Stat. 626.8463 affects constables in the same manner as part-time peace officers, and as the selection, training and examination requirements are the same for constables as they are for part-time peace officers, the replacement of Minnesota Rules, part 6700.1200 by this rule, closely parallels the replacement of Minnesota Rules, part 6700.1100 by 6700.1201 discussed in the preceding section.

It should be remembered that while the actual selection standards and training requirements for constables are the same as those for part-time peace officers; the licensing track for each is independent of the other and the examinations themselves are distinct; hence the need for a separate set of rules for constables.