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S/A Duane Stanley
Executive Secretary

April 21, 2014

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Dear Agency Administrators:

As many of you are aware, the "new" Administrative Code Title 109 addressing Peace Officer Standards became effective April 1, 2014. This lengthy process began with your POST Board having its first meeting December 7, 2011 relating to the rewriting of the administrative rules. Fourteen meetings and several hearings later, theirs and your recommendations became a reality. The purpose of this letter is to highlight and bring to your attention several of the more significant changes in the code. One of those changes being the addition of a Peace Officer Code of Conduct. Every new peace officer, along with those renewing their license, will now be required to sign the Peace Officer Code of Conduct. The Peace Officer Code of Conduct is outlined below:

NDAC § 109-02-05-01. Peace officer code of conduct.

1. This section applies to every peace officer licensed by the board and every applicant for a peace officer license, including applicants for limited and part-time licenses. This section applies to on-duty and off-duty officers.
2. All applicants for a peace officer license, including a part-time license or limited license shall sign a code of conduct on a form provided by the board and shall submit the code of conduct with the application. In the absence of a signed code of conduct, a license may not be issued.
3. All applicants for a renewal of a peace officer license shall sign a code of conduct on a form provided by the board and shall submit the code of conduct with the application for renewal. In the absence of a signed code of conduct no license will be issued.

4. It is a violation of this section:
 - a. To possess or consume alcoholic beverages on duty or while in uniform on duty or off duty except as authorized or required for the lawful performance of the peace officer's duties.
 - b. To possess, consume, use, or assist in the use of any illegal or unauthorized controlled substances or medications whether on duty or off duty.
 - c. To engage in conduct that is in violation of the criminal laws of the state or federal government or ordinances of a political subdivision of the state of North Dakota.
 - d. To engage in acts of corruption or bribery or to condone acts of corruption or bribery by other peace officers.
 - e. To willfully lie, provide false testimony, provide misleading information or falsify written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys, or other law enforcement officials.
 - f. To willfully provide false testimony, evidence, or misleading information in an application for a search warrant, arrest warrant, or criminal complaint.
 - g. To engage in illegal harassment or intimidation of another individual, or to condone acts of illegal harassment or intimidation by other peace officers.
 - h. To willfully fail to report the violation of a criminal law or North Dakota Century Code chapter 12-63 by a peace officer.

The Peace Officer Code of Conduct (PFN14) form has been added in the "forms" section of our website.

The Peace Officer Oath is also a new addition and requirement to becoming a peace officer in North Dakota. I have included it in its entirety as well.

NDAC § 109-02-05-02. Peace officer oath. Every peace officer must be sworn in as a peace officer and take an oath that substantially complies with the following:

1. The peace officer will uphold the constitution and laws of the United States, the constitution and laws of the state of North Dakota, and the laws of the community that the peace officer has been entrusted to enforce.
2. The peace officer will not betray the peace officer's code of conduct, the trust of a fellow peace officer, and the trust of the public.

Agency Administrators

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There is no form for the Peace Officer Oath as the POST Board felt this process could be administered and documented at the agency level since many of you have a process in place that meets this requirement.

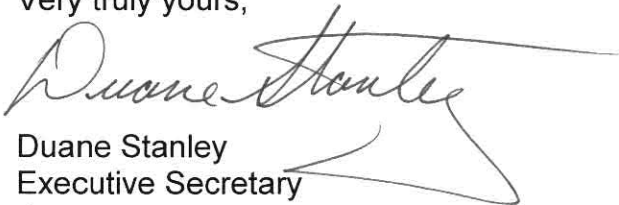
I ask that you review North Dakota Century Code chapter 12-63, specifically 12-63-12 as there were changes made during our last legislative session that dealt with adverse license action. There is specific language explaining the conditions when the board **shall or may** deny a license, refuse to renew a license, suspend a license, revoke a license or impose probationary conditions.

Another significant change your board made was to the fees associated with the licensing process. There will no longer be a pro-rated fee based on one's last name. All initial license fees will be \$45.00. The initial license period will still be staggered based on one's last name but the fees will all be the same. The late fee for license renewal will be \$100.00 for 30 days after the expiration date of license. Thirty-one to 365 days after the expiration date of license, there will be a late fee of \$250.00. The license reinstatement fee is \$500.00. There is also a late sidearm qualification fee of \$100 that will also be assessed.

There were numerous other corrections, additions and changes that were made to the rules. All of which can be viewed in their entirety at our website: www.post.nd.gov and then clicking the title "POST Administrative Rules" located on the left side of the home page. North Dakota Century Code chapter 12-63 can also be viewed on the website by clicking "Related Laws" which is also located on the left side of the home page along with the new and updated "Forms" that are located there for your convenience and accessibility.

Please feel free to distribute this letter to the appropriate personnel in your respective agencies. Thanks to all who participated in this worthwhile process! If you have any questions, please don't hesitate to contact me.

Very truly yours,



Duane Stanley
Executive Secretary