



# Board of Peace Officer Standards and Training

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## Minnesota P.O.S.T. Board Complaints

### Frequently Asked Questions

**The POST Board's authority to investigate complaints and impose discipline is limited to certain areas and extends only to taking action against an officer's license.**

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#### **What type of complaints can the POST Board take action on?**

The POST Board can only take licensure action in cases in which we have jurisdiction. The authority to take action on a peace officers license is defined in Minnesota Statutes [626.8431](#), [626.8432](#), and [626.845](#). The standards of conduct that the POST Board has jurisdiction to enforce are listed in Minnesota Rules [6700.1600](#).

Some examples of standards of conduct violations include: engaging in discriminatory conduct, use of unauthorized or unreasonable force or unauthorized deadly force, misuse of authority, or committing certain criminal offenses.

#### **I have a complaint about how an officer treated me or how my case was handled by a police agency. Who should I contact?**

These types of complaints generally do not fall within the POST Boards jurisdiction. The first and best step for a member of the public to take is to file a written complaint with the law enforcement agency that employs the officer. That agency will provide you with all the information you will need to make your complaint. Minnesota law requires that all law enforcement agencies have a policy on Allegations of Misconduct that outlines the acceptance, investigation and resolution of citizen complaints.

#### **Who do I contact if my complaint is against the Chief or Sheriff?**

**Because Chiefs and Sheriffs are licensed peace officers, they are subject to the same standards of conduct as any other officer. The POST Board can take licensure action if a violation of the standards of conduct occurs.**

If you wish to complain directly to the law enforcement agency/employer, complaints against a Chief should be directed to the City Manager/Administrator/Clerk. Complaints against a Sheriff should be directed to the County Administrator's office. You may also make a complaint with your elected officials (Mayor, County Board members etc.), make them aware of your complaint, and seek advice on the best way to address your concern.

## **Can the POST Board fire an officer?**

No. The POST board does not employ any peace officers. We are strictly a licensing authority. Only the agency that employs the officer has the authority to terminate their employment. The authority of the POST Board extends only to license sanctions.

## **What type of action can the POST Board take on a peace officers license?**

Any licensed peace officer who is convicted of a felony level offense shall have their peace officer license automatically revoked in accordance with MSS [626.8431](#). All other licensure violations within the board's jurisdiction are referred to a four-member Complaint Investigation Committee. The complaint committee's procedures are governed by MSS 214.10, and Minn. Rules 6700.1710.

When grounds exist to show a violation was committed, the board may take one or more of the following disciplinary actions:

Deny an application for a license, revoke the license; impose limitations on the licensee's ability to practice; impose conditions on the licensee; or censure or reprimand the licensee.

[Minnesota Statute 214.10](#) outlines the legal requirements for complaint processing. After you have filed a complaint with us, our staff will review the complaint, then bring it before our Complaint Investigation Committee to determine if it falls within the POST Board's jurisdiction. If your complaint falls within the POST Board's jurisdiction, additional information will be gathered. The Board may also order an investigation conducted by an outside agency. If your complaint is determined to NOT be in POST Board jurisdiction, we will notify you.

## **How long does the complaint process take?**

The Complaint Investigation Committee usually meets every 30-60 days. You will be notified of the final disposition of your complaint once it has gone through the entire process. For complaints that are determined to NOT be in our jurisdiction you will usually receive notification within 30-60 days.

Complaints that fall within our jurisdiction take longer to complete. There may need to be an investigation and a conference with the Complaint Investigation Committee. An investigation that results in the imposition of discipline the needs to be reviewed and ratified by the full POST Board.

Some disciplinary cases are referred to the Court of Administrative Hearings for a hearing with an administrative law judge. This court process adds additional time to the process.

Each case is unique so it is impossible to give an exact time frame for resolution of your complaint.

## **Can I find out if an officer has any POST Board discipline on their record?**

Peace officer discipline imposed by the POST Board is public information. You may use the Peace Officer License Search feature on our website to determine if a licensed officer has any disciplinary action taken on their peace officer license. The disciplinary action only becomes public once it is final. Until

that time, the existence of any complaint is confidential or private.

Discipline imposed by the POST Board is separate from any discipline an officer may have received from their employer. You should contact the law enforcement agency/agencies directly to request employment-related complaint and discipline records on a peace officer.

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