



Minnesota Board of Peace Officer Standards and Training

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POST Board Complaint Process

Complaints alleging officer misconduct may be initiated by the public, peace officers, law enforcement agencies, or the POST Board. Peace officers are obligated under Minn. R. [6700.1610 Subp.2](#) to report any action which would constitute grounds for disciplinary action under any of the board's regulatory provisions.

Complaint Process:

1. Receipt and acknowledgement of complaint

When a complaint is filed against a peace officer, the Standards Coordinator reviews the complaint to make a preliminary assessment of whether the allegation(s), if proven true, would constitute a violation of the Standards of Conduct identified in Minn. R. [6700.1600](#).

The Board notifies the chief law enforcement officer (CLEO) of the agency employing the officer by providing a copy of the complaint alleging misconduct. If the subject of the complaint is the CLEO, then the CLEO's supervising authority (i.e. mayor, city council, or county commissioners) is notified of the allegation of misconduct and sent a copy of the complaint. In that situation, the CLEO is not provided with a copy of the complaint.

If the complaint appears to be non-jurisdictional as determined by the initial review by the Standards Coordinator, the notification letter to the CLEO or the CLEO's supervising authority indicates the preliminary non-jurisdictional status and refers the CLEO to the law enforcement agency's obligations under Minn. Statute [626.8457, Subd. 2](#). to review and investigate the complaint.

2. Investigation of complaint

The Board may refer the complaint to a 3rd party law enforcement agency for investigation, may pause the complaint pending the results of outstanding criminal charges, or may refer the complaint directly to the Complaint Investigation Committee (CIC) for disposition. Investigations are not conducted by Board staff. Records of any charges or convictions related to the alleged misconduct offense are obtained for review by the CIC. When appropriate, the Board consults with the Attorney General's (AG) Office for legal advice.

3. Complaint Investigation Committee (CIC)

Complaint handling is overseen by the Board's Complaint Investigation Committee (CIC) as provided for in Minn. R. [6700.1700](#). Cases presented to the CIC include a synopsis of the complaint prepared by board staff. Peace officers and complainants are scheduled for an appearance before the Committee and may appear before the committee with or without legal representation.

Following the hearing, the CIC determines the disposition of the complaint. The CIC may refer the complaint back to Board staff for further information or investigation, or find the complaint as substantiated or unsubstantiated.

Substantiated Complaints: When the CIC determines the allegations of misconduct have been substantiated, the CIC may offer the peace officer a Settlement Agreement Consent Order (SACO) which identifies the disciplinary results of the misconduct. If an officer does not accept the SACO, then the matter may be referred to the Office of Administrative Hearings (OAH) for a hearing before an administrative law judge. Once the OAH report has been issued, the complaint is returned to the CIC for action. The disposition of each complaint that results in discipline is presented to the full Board for review and ratification of the CIC's decisions.

Throughout this disciplinary process, the CIC is represented by an Assistant AG who is assigned to prepare documents, present the case to the board, etc. The full board is represented and advised by a different Assistant AG, both at regular meetings and when the board is ruling on a substantiated complaint.

Unsubstantiated or non-jurisdictional complaints: When the CIC determines that the complaint has not been substantiated, or when the Board has no jurisdiction over the complaint because it does not allege officer misconduct as identified in Minn. Stat. [626.8432](#) or Minn. R. [6700.1600](#), the CIC dismisses the complaint.

Disciplinary Actions Resulting from Complaints Filed with POST:

Minn. Stat. [626.8432, Subp. 2](#) and Minn. R. [6700.1710, Subp. 2](#) identify the disciplinary actions that the Board may take against a licensee for officer misconduct. These actions include imposing limitations on the licensee's ability to practice, conditions on the licensee, censure or reprimands, suspending or revoking the license.

License revocations are reported by the Board to the International Association of Directors of Law Enforcement Standards and Training (IADLEST) for inclusion in the National Decertification Index (NDI). The NDI is a national registry of licensure revocations related to officer misconduct.

Compliance with Data Practices Law

The data on licensees and candidates for licensure gathered by the POST Board, is considered licensing data and is governed by Minn. Stat. [13.41](#).

Data regarding the nature or content of unsubstantiated complaints or complaints that do not fall within the board's jurisdiction are classified as private data, and are not maintained by the POST Board. Minn. Stat. [13.41 Subd. 4](#), classifies active investigative data relating to the investigation of complaints against any licensee as confidential data.

Final disciplinary action taken against a licensee is classified as public under Minn. Stat. [13.41 Subd. 5](#). This includes orders for hearing, findings of fact, conclusions of law and specification of the final disciplinary action taken against a licensee. The POST Board has released and will continue to release Settlement Agreements and Consent Orders as public data.

Chief Law Enforcement Officers (CLEOs)

When a misconduct complaint is filed against a CLEO, there is no change in the procedures for handling the complaint. The Complaint Investigation Committee is aware when the subject of a complaint is a CLEO, and is aware of the elevated role a CLEO plays in any law enforcement agency.

Mandated Police Misconduct Reports

Minn. Stat. [626.8457, Subd. 3](#), requires Chief Law Enforcement Officers (CLEOs) to [annually report summary data](#) regarding the investigation and disposition of cases involving alleged unprofessional conduct by peace officers based on department's allegations of misconduct policy (Minn. R. [6700.2200](#)). The summary data reflect the complaints filed with the law enforcement agency as well as the non-jurisdictional complaints received by the Board and referred to the agency for investigation.

The summary data is compiled into a statewide report on the disposition of cases alleging unprofessional conduct based on the law enforcement agency's Professional Conduct of Peace Officers. The annual summary reports are maintained on the Board's website.

The data collected by law enforcement agencies may be used by each agency to monitor changes and trends in the types and numbers of misconduct complaints. When investigation of an internal misconduct complaint establishes behavior that reaches the level of officer misconduct identified in Minn. R. [6700.1600](#), the licensee must report that information to the Board under Minn. R. [6700.1610, Subp.2](#). Such reports would be handled as a complaint under the complaint process described above.