



What Should I Do If I Think the Police Violated my Rights?

What is police misconduct?

When police violate your rights or mistreat you, it might be police “misconduct.” Police misconduct is when police do something illegal or something against police policies while they are on duty. This can include things like excessive force (using more physical force than is needed), discrimination, or harassment.

What are my rights with the police?

Your rights are listed below. If you think the police violated your rights, write down or record what happened as soon as possible. Give as many details as you can remember. It can be helpful information for a lawyer if you end up getting one.



- **Right to Be Treated Fairly:** Police or other law enforcement officers have to treat you fairly. Your race, ethnicity, national origin, sexual orientation, gender, or religion doesn't matter.
- **Right to Freedom from Excessive Force:** Police can only use force when necessary. They can only use the amount of force needed to do their duties, like making an arrest. The amount of force police can use depends on the situation.
- **Right to Privacy:** You have protection against unreasonable searches and seizures. In order to search you or your property (like your car or your home), officers need one of these things:
 - A warrant saying they can search you or your property **OR**
 - “Probable cause” that you committed a crime. Probable cause could be something like smelling illegal drugs during a traffic stop or seeing you involved in illegal activities **OR**

- Your permission to search. If you tell the police it is ok for them to search you or your property, then they do not need a warrant or probable cause.
- **Right to Remain Silent:** You have the right to remain silent when questioned by police. Anything you say can be used against you in court.
- **Right to Legal Representation:** You have the right to talk to a lawyer if you are arrested or detained.

What should I do if I think I am experiencing or witnessing police misconduct?

Document everything. Write down or record everything you can about the incident. Do this however you can - on paper, with your phone etc. Especially things the police say or do. If you can't do it when it's happening, do it as soon as possible after. Make sure you note the date, time, where it happened, and who was there. Take photos if you can.

For a traffic stop, the law says they have to give you their names, badge numbers, and the police department they work for.

Other things to keep in mind:

- Get squad car numbers – these are the numbers painted on the squad cars
- Get contact information from any witnesses
- Hang on to photos, clothing, or anything else that could be used as evidence.

In Minneapolis, if you get badge numbers/names you can look up the officers' discipline records online. Go to the [Officer Complaint History Dashboard](#). In other cities, you may need to submit a 'data request.' Find more information by looking up the city's official website.



Get medical attention. If you are hurt, get medical attention right away. Ask for copies of your medical records. You might be able to use your medical records as evidence.

Remember: Be gentle with yourself! It can be really hard in a stressful situation like this to remember everything you should do. If you forget a detail, or forget to assert a right, it's ok. Just do your best.

How can I file a complaint?

File your complaint as soon as you can. Sometimes there are time limits on how long you can wait to file a complaint.

After you file a complaint, they may ask for more information or ask to do an interview with you. Get back to them quickly.

The steps to file a complaint depend on **who** mistreated you and **how** you were mistreated.

It's important to know what police department the officer works for:

- **Police Department or City:** Police departments have a formal process for filing a complaint about misconduct. Many bigger cities have this information online ([Minneapolis](#), [St. Paul](#), [Rochester](#), [Bloomington](#), [Duluth](#)). If you can't find information about filing a complaint with your city's police department, search for your police department or city government contact information to find out how to file a complaint.
- **State Patrol:** File a complaint by using the Department of Public Safety [online complaint form](#). If you have questions, contact them at dps.IA@state.mn.us or (651) 201-7000.
- **Metro Transit Officer:** For Metro Transit officers, [file a complaint online](#).
- **University Police:** Search on the internet to see if there is an online form you can use. For example, the University of Minnesota has an [online complaint form](#). If you can't find the information, call anonymously to ask what the complaint process is at the university.

Depending on **how** you were mistreated, the state can investigate your complaint:

- **Minnesota Department of Human Rights:** You can [file a complaint](#) with the Minnesota Department of Human Rights if you think you were mistreated because of discrimination based on your:
 - race
 - gender
 - sexual orientation
 - gender identity
 - having a disability

- national origin
 - religion, or
 - getting public assistance
- **Board of Peace Officer Standards and Training (“POST Board”):** If the misconduct was very serious, like discrimination, excessive force, or committing certain crimes, the POST Board might be able to investigate. To file a complaint, download the PDF from the [POST Board website](#) and mail it to the POST Board at:

Board of Peace Officer Standards and Training
1600 University Avenue, Suite 200
Saint Paul, MN 55104

You can also email the completed form to POSTBOARD.AGENCY.DOCS@state.mn.us, but they prefer you to mail it.

What if I need more help?

You can talk to a lawyer to find out if you need advice about your case or if you want to file a civil rights case against the officer(s) or police department.

- **ACLU of Minnesota:** You can file a [complaint online](#) with the ACLU of Minnesota. Note: they don’t have resources to help everyone, so they may not be able to take your case.
- **Minnesota Lawyer Referral:** Call (612) 752-6699 to talk to a referral counselor. They can help find a civil rights lawyer for you and make an appointment to meet with the lawyer. Or fill out the [online request form](#) to get a list of lawyers to contact.
- **Minnesota State Bar Association Find a Lawyer:** Choose “Civil Rights” under the Practice Area(s) filter.

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