

# Savage, Prior Lake named in DVS records lawsuit

Approximately 340 government employees accused of improperly looking up woman’s data

BY ALEX HALL  
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The cities of Savage and Prior Lake have been named as defendants in a federal lawsuit that accuses government employees – mostly law enforcement officers – of improperly looking up a former police union attorney’s driver’s license data hundreds of times in the past eight years.

Brooke Nicole Bass, a former lawyer for Law Enforcement Labor Services — Minnesota’s largest police union — alleges that between 2005 and 2012, about 340 law enforcement officers violated the Driver’s Privacy Protection Act (DPPA) of 1994 by illegally accessing her driver’s license data. Her license data was allegedly accessed improperly more than 750 times in that period. In total, 110 government entities including cities, counties and the Department of Public Safety are named in the suit.

Savage officers are accused of improperly looking up her data 19 times between December 2006 and February 2009. One Prior Lake officer is accused of accessing her data improperly in December 2010. The officers accused of accessing the data are unknown at this point, but Bass’ attorneys believe their identity will be revealed during the case’s discovery process.

Bass is asking for \$2 million in damages as she claims emotional distress from losing a sense of privacy. She is asking for \$2,500 for every time her data was accessed improperly.

The Bass case is one of several in Minnesota that revolve around alleged data privacy breaches. In 2012, several cities settled with a former Eden Prairie police officer who accused other officers of improperly looking up her data. Currently, a former Department of Natural Resources employee

is named as a defendant in several lawsuits after allegations surfaced claiming the man made about 19,000 Department of Vehicle Services queries in five years, mostly while off duty.

### ALLEGATIONS

According to the civil complaint filed in April, Bass became suspicious in February this year that law enforcement officials may have been accessing her data inappropriately. After contacting the Department of Public Safety, Bass received an audit from the department on Feb. 19 that revealed that 110 different agencies had accessed her data since 2005, when she first started working for the police union. The audit also revealed that more than 300 law enforcement officers had accessed her data approximately 750 times.

The suit claims that the individuals looked her up by name, not by license or plate number. By looking Bass up for non-law enforcement reasons, officers repeatedly violated her Fourth Amendment right and the Driver’s Privacy Protection Act, according to the lawsuit.

The suit alleges that misuse of the DVS records system is rampant, and that the system’s ease of use contributes to the problem. At the login page for the website, there is a message that states “access to this service is for authorized personnel only conducting official business” and that misuse of the system is against the law.

The suit claims that the two acting DPS commissioners from 2005-2012, Michael Campion and Mona Dohman, either knew of the misuse and condoned it or “should have known that it was occurring.” It also states that “whatever training, monitoring, or inquiry into the officers’ usage of the information systems has been adopted is woefully inadequate

to ensure that access is used properly and lawfully.”

The suit also alleges that the illegal access of private data occurs disproportionately to women.

A motion for dismissal has been made by the League of Minnesota Cities Insurance Trust (LMCIT), whose attorneys are representing most defendants in the case.

According to Jordan City Attorney Annette Margarit, LMCIT’s motion for dismissal argues that if the court “were to adopt Bass’s construction of the DPPA, the state’s political subdivisions would face potentially overwhelming financial exposure to claimants seeking incredible windfalls, thereby chilling the use of a database created by the State for the enforcement of state laws. The DPPA would displace a fundamental principle of state law; that recovery of monetary awards is limited to plaintiffs who can prove they were injured by wrongful acts.

“It would also displace the careful balance struck by the Minnesota Legislature in the Minnesota Government Data Practices Act... and other data practices laws, before the adoption of the DPPA, regarding the treatment of driver’s license information and liabilities for its misuse but not access.”

The motion asked for dismissal “because Bass did not properly plead facts constituting an improper obtainment, disclosure or use of her driver’s license information and she did not allege facts constituting actual damage caused...”

According to the LMCIT, 62 percent of the access episodes Bass claims are more than four years old and thus time barred by federal statute of limitations.

### TRAINING PROCEDURES

The trouble with some of these claims, said Savage Police Capt. Bruce Simon, is that it’s not always easy to look back and determine whether or not an officer’s look-up was law enforcement-related, especially when someone claims

they were improperly searched several years ago. He also explained that officers use the system for a wide variety of reasons in order to better do their job, so even if a person is a law-abiding citizen, an officer may have had a good reason to look that person up depending on the circumstance. “The attorneys are going to have figure some things out in terms of what is and is not appropriate, because it’s not always as black-and-white as people claim it is,” he said, “I think there’s people who, just because their name was searched, they’re assuming it was inappropriate, and that’s far from the truth.”

Still, police departments are using these recent cases as a reason to remind officers to be careful, and more importantly, lawful. Earlier this year, officers across the state went through an updated training process in regards to lawful use of the DVS records system, and officers we’re required to sign a document indicating that they received the training. “We’re pushing out to officers all these things that are coming out, the problems that we’re seeing,” said Simon. “We’re letting our officers know, ‘Hey, be aware of this and be very cautious, and be able to articulate why you’re using DVS.’”

Although the identities of the officers who allegedly misused the system is currently unknown, that could change, and Simon said the officers could be punished internally if the court finds that they did something illegal.

DVS records policies will likely be changed at some point, but Prior Lake Police Chief Bill O’Rourke said the courts first need to decide whether or not officers’ conduct was appropriate before any action is taken. “The future implications could be huge in terms of policies and the costs associated with tracking this stuff,” O’Rourke said, “[but first] somebody has to determine whether or not [the searches were] inappropriate. That determination hasn’t been made yet. We have to wait and see what happens.”

## Want to plant for clean water? Consider a raingarden

BY MEGHAN JACKSON  
Guest Commentary

Contrary to popular belief, fall is the best time of year for lawn care. If you’re thinking about installing a raingarden yet this year, it’s not too late to get started.

Native plants and raingardens can help to clean water naturally since they generally have deep root systems that anchor soil and act as filters. By definition, a raingarden is a shallow depression that is planted like a garden with deep-rooted native plants and grasses that catches rainwater and allows it to infiltrate into the ground. To learn more about raingardens and planting for clean water, visit the Blue Thumb website at [www.bluthumb.org](http://www.bluthumb.org).

The Prior Lake-Spring Lake Watershed District, the city of Prior Lake and Scott Clean Water Education Program (SCWEP) are pleased to be partners in the Blue Thumb program, which holds workshops for residents to learn about raingardens, native gardens and other beautiful, water-saving practices. Consider attending a free local Raingarden-in-a-Box workshop and learn about how easy it is to create and maintain a raingarden in your own yard.

Raingarden-in-a-Box is a new opportunity that will allow residents to attend a short workshop on raingardens. Upon completion, participants will be able to purchase a “raingarden-in-a-box” kit containing a raingarden design suitable for your yard, instructions for installation, plants for the raingarden and a list of local resources to find additional plants, mulch, equipment, etc. to successfully install a raingarden.

Residents living within the Prior Lake-Spring Lake Watershed District



SUBMITTED PHOTO

This shaded flower and fern raingarden was installed earlier this summer using the Raingarden-in-a-Box program.

can receive a grant up to \$250 for the reimbursement of expenses related to a project that decreases the impact of their property on water quality through the district’s new cost-share program. To learn more, visit [www.plslwd.org/costshare.php](http://www.plslwd.org/costshare.php).

Fall Raingarden-in-a-Box workshops are scheduled for the following dates and locations:

Thursday, Sept. 19 from 9 to 11 a.m. at Prior Lake City Hall, 4646 Dakota St. (raingarden focus only)

Thursday, Sept. 19 from 6 to 8 p.m. at Prior Lake City Hall (raingarden focus only)

Thursday, Sept. 19 from 9 to 11 a.m. at Jackson Town Hall, 1091 130th St.

W., Shakopee (raingarden and shoreline restoration focus)

Thursday, Sept. 19 from 6 to 8 p.m. at Elko New Market Library, 110 J. Roberts Way, Elko New Market (raingarden and shoreline restoration focus)

Saturday, Sept. 21 from 9 to 11 a.m. at McColl Environmental Learning Center, 13550 Dakota Ave. S., Savage (raingarden and shoreline restoration focus)

The raingarden workshops are free and available to all Scott County residents, but registration is required. To register, contact Meghan Jackson at (952)-378-2163 or [mjackson@plslwd.org](mailto:mjackson@plslwd.org).

Meghan Jackson is the district outreach specialist for the Prior Lake-Spring Lake Watershed District.

## Call for youth submissions for Interface: PL

Interface: PL wants your submissions!

Interface is our youth-focused page. What makes a good Interface submission? Well, the content must be youth-produced. That means someone under 18 has to write it, photograph it, draw it or create it. Interface is meant to be a place where youth speak for themselves, rather than have someone else do it for them. We want you to represent you, since you know how to do it best!

Want to tell us how current events are affecting you and your friends? Perfect. Want to school us in the latest fashion trends? Great. Want to show off your creative side? Awesome. Want to critique movies or pop culture? Cool. Need to vent about



finding a summer job? No problem.

Interface is the space for you. The page is open to anyone local under the age of 18, so we’ll feature little guys’ finger-paint masterpieces, too.

The paper reserves the right to make small edits or not run material deemed inappropriate, like our other submitted material.

This project is new for us too, so new options, issues and rules may come up as the section evolves.

If you have any ideas or questions, just let us know and we’ll help you. Submit items to [interface@swpub.com](mailto:interface@swpub.com), or call reporter Kaitlyn Egan at (952) 345-6375.

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**ScottCountyArtCrawl.org**

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