

# Minnesota police association sues POST Board for releasing IDs of ‘at least’ 257 undercover officers

*A data request of employment history of Minnesota police officers led to the release of private data on undercover law enforcement, according to the lawsuit.*

By Jeff Day and Liz Sawyer, The Minnesota StarTribune

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The safety of hundreds of undercover law enforcement officers in Minnesota and their families has been jeopardized after their identities were illegally released by the Minnesota Board of Peace Officers Standards and Training, according to a lawsuit filed Tuesday by the state’s largest police association.

The 11-page lawsuit, filed in Ramsey County by Minneapolis attorney Chris Madel, alleges that when the POST Board complied with a public data request last year it wrongfully released the names and birthdates of “at least 257” undercover officers in violation of the Minnesota Government Data Practices Act.

The POST Board, which licenses all police officers in the state, distributed the biographical data to independent journalist Tony Webster. Then, the Invisible Institute, a nonprofit based in Chicago, added some of that information to its [National Police Index](#), a searchable database showing police employment history. That data has since been removed.

Minnesota law classifies personnel data of undercover officers as private.

The suit notes that the private nature of the police data was unknown to the Invisible Institute because of “the POST Board’s assurances regarding the public nature of the data provided.” Madel said the Minnesota Police and Peace Officers Association (MPPOA) is seeking to uncover exactly what private data was distributed publicly.

The MPPOA sought a temporary restraining order and asked the court to prohibit further dissemination of the identities of undercover law enforcement officers; require the POST Board to immediately inform any undercover agent that their biographical information has been made public; and require the POST Board to “take all reasonable steps” to limit the use of the data.

On Wednesday evening, both parties agreed to the terms of that injunction, which did not require that the POST Board admit wrongdoing. Attorney General Keith Ellison’s office is listed as the legal representative for the licensing board.

Erik Misselt, executive director of the POST Board, provided a statement to the Minnesota Star Tribune saying the agency “recognizes the sensitivity of this issue.” Misselt noted that approximately 49,000 officers were listed in the data and it did not indicate any officer as being

undercover. The board also notified all affected officers and the heads of their law enforcement agencies about the issue and asked the people who received the data to destroy it.

The suit notes that the searchable database has already been available to “any person in the world” and a report about the new tool was published in the [Star Tribune last week](#). A number of local journalists received a spreadsheet including that information last summer.

In a sworn declaration attached to the lawsuit, Dave Titus, deputy director of the MPPOA and a former inspector with the Ramsey County Sheriff’s Office, said the risk posed by this leak cannot be overstated.

“These undercover police officers serve in dangerous situations and if it becomes known that they are in fact working undercover, the targets of those investigations could retaliate or cause them harm,” Titus said. “The investigations these officers are working on could also be prejudiced or completely undermined by this disclosure.”

The MPPOA alerted its members of the data breach Tuesday night, saying it would seek a court injunction.

In a statement, Webster explained that he sought Minnesota licensing data in an effort to better track so-called “traveling officers” who jump from agency to agency without misconduct records following them — effectively avoiding accountability. Other journalists and researchers, including the Invisible Institute, have long sought such records but were unable to obtain them.

The POST Board turned over two spreadsheets in August, Webster said, explicitly saying it had removed all undercover officers from the data set.

Five months later, Webster awoke to an email from Misselt admitting that he “inadvertently sent me data identifying every undercover officer in the state.” That data included full names, dates of birth, agency affiliation, license number and employment dates — though Webster removed the dates of birth to ensure they were never published online.

“The POST Board has acknowledged this is entirely their error and their fault. Nevertheless, this incident is disturbing to me and I fully cooperated with the POST Board,” Webster said, noting that he dropped everything to get the data scrubbed from the internet. But, since that information was already distributed to news organizations and downloadable by the public, it was likely beyond “effective recall.”

However, Webster questioned whether it’s accurate that 257 officers were affected by the data breach, given that many individuals the organization claimed are serving in an undercover capacity are publicly identified on government websites as active police officers or maintain LinkedIn pages identifying them as cops.

“I am concerned for the officers whose data was wrongfully released by the state,” Webster said. “I am also concerned that this incident will be used to attack our public records laws. Our laws are fine. The POST Board broke existing law, the law provides penalties, and I believe they will be held accountable.”