

Plaintiff Kevin Roach is a former alderman of the City of Ballwin who is among a class of victims (“*Class*”) improperly searched in the Regional Justice Information System (“*REJIS*”) by the Chief of Police of Ballwin acting, under information and belief, in concert with other officials of the City of Ballwin (“*Ballwin*”). *REJIS* is a portal into the State of Missouri and the United States Department of Justice's Criminal Justice Information System (“*CJIS*”) that can only be used

for official law enforcement purposes. The Ballwin Police Department ultimately opened an investigation into Defendant Schaeffler's improper searches and personal use of *REJIS*, and Defendant Schaeffler was eventually terminated from his employment<sup>12</sup>. Upon information and belief, Defendant Schaeffler was conducting improper *REJIS* inquiries and searches on elected officials and citizens of Ballwin, without probable cause, and often at the request of other Ballwin officials. As the Supreme Court stated in 1886, "It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense," but rather "the invasion of [an Americans'] indefeasible right of personal security" and the state's unjustified encroachment into the "privacies of life"<sup>3</sup>.

### **JURISDICTION AND VENUE**

1. This Court has personal jurisdiction over the parties.
2. Venue is proper to this Court, pursuant to Mo. Rev. Stat. § 105.055, which provides that "[a] civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides" and the violations alleged herein occurred within the geographical boundaries of St. Louis County, Missouri.

### **PARTIES**

3. This action is brought by Plaintiff Kevin Roach (hereinafter "Plaintiff") and is brought on behalf of himself and a proposed class ("Class").

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<sup>1</sup> [https://www.stltoday.com/news/local/column/tony-messenger/messenger-ballwin-chief-misused-criminal-database-and-ran-hundreds-of-names-report-says/article\\_23baefaa-1f6d-11ef-855a-6b03f44b3908.html](https://www.stltoday.com/news/local/column/tony-messenger/messenger-ballwin-chief-misused-criminal-database-and-ran-hundreds-of-names-report-says/article_23baefaa-1f6d-11ef-855a-6b03f44b3908.html)

<sup>2</sup> [https://www.stltoday.com/news/local/column/tony-messenger/messenger-ballwin-man-asked-about-privacy-police-chief-ran-a-background-check-on-him/article\\_77166ab2-235a-11ef-b7e3-5b2dd5cd0ba8.html](https://www.stltoday.com/news/local/column/tony-messenger/messenger-ballwin-man-asked-about-privacy-police-chief-ran-a-background-check-on-him/article_77166ab2-235a-11ef-b7e3-5b2dd5cd0ba8.html)

<sup>3</sup> *Boyd v. United States*, 116 U.S. 616 (1886)

4. Plaintiff and Class had their Missouri privacy rights, state constitutional rights, and seclusion invaded by a series of *REJIS* searches of their person, name and/or license plates.

5. Plaintiff and, under information and belief, the vast majority, if not all of Class members, reside in Missouri and are Missouri citizens.

6. Defendant Douglas Schaeffler (hereinafter “Defendant Schaeffler”) is and was at all times relevant hereto a resident of the state of Missouri and was employed by Ballwin, Missouri as the Chief of Police and is being sued in his individual capacity.

7. Defendant City of Ballwin, Missouri (“Ballwin”) is and was at all times relevant hereto a municipal corporation within St. Louis County and political subdivision of the State of Missouri.

8. John Does 1-5 is and was at all times relevant elected officers, agents, and/or employees of the City of Ballwin.

#### **GENERAL ALLEGATIONS**

9. On or about September 18, 2023, Ballwin Police Department initiated an investigation into the activities of Police Chief Defendant Douglas Schaeffler.

10. The police officers had concerns Schaeffler was misusing the Regional Justice Information System (“*REJIS*”) to search citizens' driver's licenses, vehicle registration information, and criminal records without a legitimate law enforcement reason.

11. *REJIS* is a local portal into the State of Missouri and the United States Department of Justice's Criminal Justice Information System (“*CJIS*”).

12. Between his date of hire in Ballwin through September 2023, Schaeffler made more than 1,236 *REJIS* searches which appeared excessive to the Ballwin police investigator and the *REJIS* investigator or agent.

13. The Ballwin Police Department's investigative report stated that more than forty searches in 2020 were considered suspicious/inappropriate.

14. The Ballwin Police Department's investigative report stated that more than sixty-five searches in 2021 were "suspicious/inappropriate".

15. The Ballwin Police Department's investigative report stated that more than thirty-five searches in 2022 were "suspicious/inappropriate".

16. The Ballwin Police Department's investigative report stated that more than twenty-six searches in 2023 were "suspicious/inappropriate".

17. The police report also stated that "There are many more names listed during Schaeffler's employment with Ballwin that are very questionable and may be inappropriate use of REJIS or CJIS."

18. Upon information and belief, Ballwin retains a separate list of purported inappropriate search victims than the list of victim's names that appears in the Ballwin Police Department's investigative report.

19. Upon information and belief, Defendant Schaeffler and agents of Ballwin, acting alone and in concert with one another, conducted improper searches on more than one hundred and fifty people, without probable cause or without relation to law enforcement purposes, including Class members who lived or worked in Ballwin or merely spoke at a Ballwin public meeting.

20. Upon information and belief Defendant Schaeffler also conducted improper criminal background searches on members of the Class at the request of other Ballwin officials, including but not limited to John Does 1-5.

#### **CLASS DEFINITION**

21. Plaintiff seeks certification of a Class under Missouri Supreme Court Rule 52.08, on behalf of himself and all similarly situated victims of Defendant who are or were suffered invasions of privacy, violations of their state constitutional rights, and intrusions upon their seclusion due to Defendants' searches and misuse of *REJIS*. Plaintiff proposes the following class related to the claims as follows:

- a. Class: All victims of the Defendant's improper *REJIS* searches, invasions of privacy, and violations of state constitutional rights, and related claims.

22. All of the requirements for class certification are satisfied as follows:

- a. **Numerosity.** The members of the Class are so numerous that joinder of all members is impracticable. Although Plaintiff does not know the exact number of class members as of the date of filing, based upon information and belief there are well in excess of one hundred fifty (150) putative class members who were improperly searched by government officials invading their right to privacy and seclusion.
- b. **Commonality.** Common issues of fact and law predominate over any issues unique to individual class members specific to the invasions of privacy.
- c. **Typicality.** The claims brought by Plaintiff Roach are typical of those of the absent class members because: each were improperly and unknowingly searched by Defendants using the *REJIS* system and Defendants owed the same duty to every member of the Class not to search them without cause.
- d. **Adequacy of Representation.** Roach is an adequate representative of the absent class members and will protect such absent class members' interests in this litigation. Plaintiff has no interests antagonistic to the other class members

nor does he have any unique claims or defenses that might undermine efficient resolution of the claims of the Class. Plaintiff has also retained competent counsel, Pedroli Law, LLC, knowledgeable in tort, federal civil rights litigation, class action, and complex litigation.

Additionally, the Class meets the requirements of Rule 52.08(b) in that:

- a. Absent certification as a Class, there is a risk of inconsistent adjudication with respect to individual class members;
- b. Defendant, through the common policies and plans stated herein, have acted on grounds generally applicable to the Class as a whole; and
- c. Common issues of fact and law predominate over any purely individual issues and a class action is the superior vehicle over any other method for adjudicating these claims.

## **COUNT I**

### ***Invasion of Privacy (Intrusion upon Seclusion) against all Defendants***

23. Plaintiff and Class hereby incorporate by reference the allegations made in each preceding paragraph as if each were set forth herein.

24. Plaintiff and Class had private and secret subject matter about them that was maintained by *REJIS* and the State of Missouri and the United States Department of Justice's Criminal Justice Information System (“*CJIS*”),

25. At all times Plaintiff and Class has a right to keep that information private and secret from third parties.

26. Defendants gained access to the private and secret information through unreasonable means.

27. Defendants' access to Plaintiff's seclusion breach was the direct and proximate cause of damages to Plaintiff and Class, including causing damages including but not limited to distress, anxiety, outrage, and loss of faith in their government

28. Defendants' improper use of *REJIS* and government criminal background data to search citizens, without any probable cause, and not pursuant to law enforcement purposes is an *unreasonable* means to gain access to citizens' secret subject matter and private facts.

## COUNT II

### ***Negligence per se in violation of Mo. Rev. Stat. § 576.050 against all Defendants***

29. Plaintiff and Class hereby incorporate by reference the allegations made in each preceding paragraph as if each were set forth herein.

30. All Defendants, as employees of the City of Ballwin, were subject to all relevant state statutes, state regulations, municipal policies, and departmental policies and guidelines at all times relevant hereto.

31. Pursuant to Mo. Rev. Stat. § 576.050, "*Misuse of official information — penalty.*  
— 1. A public servant commits the offense of misuse of official information if, in contemplation of official action by himself or herself or by a governmental unit with which he or she is associated, or in reliance on information to which he or she has access in his or her official capacity and which has not been made public, he or she knowingly:

(1) *Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or*

(2) *Speculates or wagers on the basis of such information or official action; or*

(3) *Aids, advises or encourages another to do any of the foregoing with purpose of conferring a pecuniary benefit on any person.*

2. *A person commits the offense of misuse of official information if he or she recklessly obtains or discloses information from the Missouri uniform law enforcement system (MULES) or the National Crime Information Center System (NCIC), or any other criminal justice information sharing system that contains individually identifiable information for private or personal use, or for a purpose other than in connection with their official duties and performance of their job.*

3. *The offense of misuse of official information is a class A misdemeanor.”*

32. Defendants had a duty to comply with Mo. Rev. Stat. § 576.050.

33. Defendants misused official information in that they *recklessly obtained* or disclosed personal information of Plaintiff and class members from the Missouri uniform law enforcement system (*MULES*) or the National Crime Information Center System (*NCIC*), or any other criminal justice information sharing system that contains individually identifiable information for private or personal use, or for a purpose other than in connection with their official duties and performance of their job, thus violating Mo. Rev. Stat. § 576.050.

34. Defendant Schaeffler and, upon information and belief, Ballwin, and John Does 1-5 recklessly obtained, conspired to obtain, or disclosed personal information of Plaintiff and class members from the Missouri uniform law enforcement system (*MULES*) or the National Crime Information Center System (*NCIC*), or any other criminal justice information sharing system that contains individually identifiable information for private or personal use, or for a purpose other than in connection with their official duties and performance of their job. thus violating Mo. Rev. Stat. § 576.050.

35. In so acting recklessly, all Defendants acted knowingly or negligently in violation of statute and in breach of their duties as employees of Ballwin.



36. This penal statute was created to protect public safety and wellbeing, Plaintiff and Plaintiff Class is a member of the class of people that the statute was meant to protect, and the injury is of the type that the statute was designed to prevent.

37. Defendants' violation of state statute is the direct and proximate cause of injuries to Plaintiff and Class.

38. Defendant's actions were intentional or reckless, indifferent, extreme, and outrageous, and caused Plaintiff Roach and Class members to suffer from severe emotional distress, outrage, and great anxiety and loss of faith in their government.

### **COUNT III:**

#### ***Negligence against all Defendants***

39. Plaintiff and Class hereby incorporate by reference the allegations made in each preceding paragraph as if each were set forth herein.

40. Defendants had a duty not to invade the privacy and otherwise intrude on the seclusion of Plaintiff and Class members.

41. Defendants breached their duty by conducting improper *REJIS* and related searches on Plaintiff and Class, thus violating their privacy and intruding on their seclusion and right to be left alone.

42. Defendants' breach was the direct and proximate cause of damages to Plaintiff and Class, including causing distress, anxiety, outrage and loss of faith in their government.

43. Defendants' actions were carried out recklessly and with total disregard for the harm to Plaintiff and Class.

### **COUNT IV**

#### ***Violation of Article 1, Section 15 of the Missouri Constitution Against all Defendants***

44. Plaintiff and Class hereby incorporate by reference the allegations made in each preceding paragraph as if each were set forth herein.

45. Article 1, Section 15 of the Missouri Constitution states that “Unreasonable search and seizure prohibited—contents and basis of warrants. That the people shall be secure in their persons, papers, homes, effects, and electronic communications and data, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, or access electronic data or communication, shall issue without describing the place to be searched, or the person or thing to be seized, or the data or communication to be accessed, as nearly as may be; nor without probably cause, supported by written oath or affirmation.”

46. Defendants did not have a warrant to search the personal information about Plaintiff or the Class members prior to conducting the *REJIS* and related searches.

47. Defendants did not have probable cause that Plaintiff or Class Members had committed a crime prior to searching their names and personal information in *REJIS*.

48. Defendants’ *REJIS* searches of Plaintiff and Class Members are and were unreasonable.

49. In searching Plaintiff and Class Members in *REJIS* and through related searches, Defendants violated Plaintiff and Class Members’ rights as described in the Missouri Constitution.

## **COUNT V**

### ***Civil Conspiracy Against All Defendants***

50. Plaintiff and Class hereby incorporate by reference the allegations made in each preceding paragraph as if each were set forth herein.

51. A claim for civil conspiracy must establish that: (1) two or more persons; (2) with an unlawful objective; (3) after a meeting of the minds; (4) committed at least one act in

furtherance of the conspiracy; and (5) the plaintiff was damaged. *Gettings v. Farr*, 41 S.W. 3d 539, 542 (Mo. App. E.D. 2001).

52. Defendants Schaeffler, Ballwin and John Doe 1-5 conspired to invade the privacy and violate the rights of Plaintiff.

53. As a direct and proximate cause of Defendants' actions, Plaintiff has suffered damages including but not limited to emotional distress, worry, anxiety, outrage, and loss of faith in his government.

**WHEREFORE, as to Counts I through Count V**, Plaintiff prays this Court to:

A. Enter its order finding, adjudging and decreeing that Defendants' acts and omissions as aforesaid were and are wrongful and in violation of the Missouri constitution and Missouri laws;

B. Preliminarily and permanently enjoining Defendants and their agents from conducting *REJIS* and similar searches without probable cause of a crime.

C. Certifying the class for purposes of this litigation;

D. Appointing Pedroli Law, LLC as lead counsel;

E. Awarding compensatory damages for the Plaintiff and Class in an amount greater than fifty thousand dollars per search incident;

F. Awarding punitive damages;

G. Awarding Plaintiff's costs and attorney fees;

A. Grant such and other further relief as the Court finds just and proper in the circumstances.

Respectfully submitted,

Dated: June 7, 2024

***PEDROLI LAW, LLC***

A handwritten signature in dark ink, appearing to read 'Mark J. Pedroli', with a stylized, flowing script.

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