



**June 16, 2017**

**Attn:**

Chief of Springfield Missouri Police Department  
Greene County Missouri Sheriff  
Springfield-Greene County 911 Emergency Communications  
Missouri Attorney General

**Summary of Complaint:**

Springfield Police Department, Greene County Sheriff's Department, and Springfield-Greene County 911 Emergency Communications are engaging in negligent practices that expose confidential information to the general public in violation of the following laws:

**Laws Violated:**

*\*Drivers Privacy Protection Act 18 U.S. Code § - Prohibition on Release of Certain Personal Information From State Motor Vehicle Records*

*\*Missouri Revised Statutes 610.035.1 State Entity Not to Disclose Social Security Number, Exceptions*

*\*Missouri Revised Statutes 32.057 Confidentiality of Tax Returns and Department Records – Exceptions – Penalty For Violations. (Class E Felony)*

**Narrative:**

On at least 10 occasions, members of these agencies broadcast individual citizens' Social Security numbers over a public radio dispatch channel in association with their names, dates of birth, and or other personal information.

The channels over which the broadcasts occurred are accessible locally to anyone with a police scanner radio, or to anyone across the globe with a police scanner app.

Many of these police scanner apps cost absolutely nothing and some allow you to record the audio directly to your cell phone or device. There are even websites the archive the audio recordings and charge for users to search through months of logged communications between dispatch and law enforcement agencies all over the world.

With the information these agencies recklessly broadcast over public airwaves, an identity thief could ruin an individual's life. From opening a credit card, to buying a car, renting a house or condo, opening up a cell phone account, getting utilities turned on, applying for a loan, receiving medical treatment, filing false tax returns or stealing your tax returns, stealing a person's benefits, claiming unemployment under your name, or ordering anything you can imagine off the internet, ruining your credit in the meantime. The information could also be used by individuals or entities associated with terrorism to gain entry into the United States or secured facilities therein, conduct acts of terrorism, or obtain the materials necessary to conduct acts of terrorism.

The City of Springfield has a proven history of leaking sensitive information, including Social Security Numbers in conjunction with other personal information. In July of 2016 the City violated privacy laws by publishing the Social Security Number, Driver's License Number, name, and date of birth of City Councilwoman Kristi Fulnecky.

*"That violated federal and state law . . . to have your government share your private information. I am a citizen of Springfield and they did this to me,"* Councilwoman Fulnecky told Springfield, MO NBC affiliate KY3.

**Story:**

<http://www.ky3.com/content/news/Councilwoman-promises-action-after-her-personal-info-was-leaked-on-city-website-386559891.html>

The legally private information leaked in councilwoman Fulnecky's situation is almost identical to the information being leaked during the interactions uncovered during our investigation. The main difference between the two situations is that is that the City of Springfield was able to determine that 19 people accessed the councilwoman's info before they were able to remove it, while a single police scanner app has anywhere from 50 to thousands of listeners honed in on the Springfield, MO area alone. In addition, the City of Springfield has absolutely no way to contain the legally protected information wrongfully disclosed to the public or who has access to it thereafter.

Attached to this complaint is a flash drive containing recordings of 10 incidents in which these acts have occurred. These represent a sampling of violations committed by the above-referenced agencies.

One of the recordings shows local law enforcement broadcasting the personal information of a law-abiding medical administrator at Cox Health.

These agencies have the ability to communicate via other means, but in willful disregard to their privacy violations choose to use a public broadcast channel to communicate private and legally sensitive information.

Other agencies, including Springfield-Greene County 911 Emergency Communications Director Zim Schwartz' former agency, Columbia-Boone County Joint Communications, have private channels not available to the public to communicate information over. In addition, all of these agencies have computer terminals, cell phones, and other communications devices that allow for the discrete transmission of sensitive information.

The fact that potentially millions of people could be listening to these communications at any given time, means every time a social security number and/or other information is leaked, each party who overhears the transmission would constitute a violation of the Driver's Privacy Protection Act, and the related state statutes. Although this complaint contains 10 recorded violations of the DPPA, the number of times the law was violated would depend on how many people were listening at the time of the transmission.

**Resolution:**

1. **Cease & Desist** public transmission of legally protected private individual information
2. **Training** of Springfield Police Department, Greene County Sheriff Department and Springfield-Greene County Office of 911 Emergency Communications personnel in their duty to not disclose private information
3. **Public reprimand** for senior personnel in each of the above agencies for failing to train and/or supervise their subordinate personnel in complying with their legal duty to protect individual private information from wrongful disclosure.

**Point of Contact:**

Derrick Marshall  
Marshall & Associates, LLC.  
Private Investigator  
MO Lic. #2012034128  
[Derrick@MarshallInvestigations.com](mailto:Derrick@MarshallInvestigations.com)  
417-863-7117  
<http://www.marshallinvestigations.com/>

**CC:**

Springfield Police Department  
Greene County Sheriff's Department  
Springfield-Greene County 911 Emergency Communications  
Missouri Attorney General's Office

Civil Rights Attorney Stephen Wyse  
Wyse Law Firm P.C.  
573-449-7755