


## What You'll Be Able to Do

SESSION OBJECTIVES

1. State the § 610.150 default: 9-1-1 call content is closed to the public, but incident facts are open
2. Identify who qualifies as an "involved person" under § 610.100.4 and what they get within 30 days
3. Keep a caller's health history and treatment out of a public release under § 191.227.8
4. Recognize when to ask the circuit court to close or redact a record for safety
5. Build a center policy and request workflow on these four statutes

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# Meet the Cast

FOUR CREATURES, FOUR STATUTES

### Ghosts

Section 610.150

The 9-1-1 recording: in the archive, invisible to the general public

### Goblins

Section 610.100.4

Involved persons knocking at the door, entitled to come in

### Ghouls

Section 191.227.8

Those who would dig up a caller's private health information

### The Crypt Seal

Section 610.100

The judge's order that keeps a dangerous record closed

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# The Haunted Records Room

OCTOBER 31 · 4:55 P.M. · THREE EMAILS HIT YOUR INBOX

### The Reporter

Wants the audio of last night's 9-1-1 call about a house fire on Hollow Creek Road

### The Attorney

Represents the homeowner and wants "all records" of the same call

### The Ex

Says the caller is his ex-wife and wants "her call and her address so I can check on her"

**Live poll** Is a 9-1-1 recording a public record in Missouri?

Yes · No · It depends · I call our lawyer

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# Ghosts in the Archive

§ 610.150 · THE GENERAL RULE

### Stays hidden

- Information a law enforcement or first responder agency gets through a 9-1-1 call
- "Inaccessible to the general public"
- The media are the general public

### Escapes the grave

- Date and time
- Specific location
- Immediate facts and circumstances of the initial report
- Open as an incident report under § 610.100

### Who may still see it

- Law enforcement agencies
- Division of Workers' Compensation
- Anyone with a valid court order on motion and good cause

**Remember:** The Sunshine Law presumes openness (§ 610.011). Closure needs a specific statute and citation — Section 610.150 RSMo is that statute for 9-1-1 calls.

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# Haunting Questions for Directors

WHERE THE GHOST'S EDGES BLUR

| | |
|---|---|
| **Is every 9-1-1 call covered?** | The text says "complaint or report of a crime." Most centers treat all 9-1-1 calls as closed. For medical calls, § 191.227.8 adds a second, independent lock. |
| **Is the CAD record a ghost too?** | CAD entries capturing what the caller said were acquired through the call. Unit times, dispositions, and basic incident facts look like the open incident report. |
| **Radio traffic, admin lines, text-to-9-1-1?** | Radio traffic and ten-digit calls were not made "by telephone contact using" 9-1-1. They need their own closure basis. Admin lines and text messages likely still covered. |

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HYPOTHETICAL · YOUR CALL



# The Wailing Caller

Part 1 · Ghosts · § 610.150

THE FACTS

- A neighbor calls 9-1-1 screaming that shots were fired next door
- Next morning, a TV station emails a Sunshine request for the call audio
- The reporter also asks for the caller's name

YOUR CALL

- What must you release?
- What do you deny, and on what authority?
- How fast must you respond, and in what form?

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# What the Courts Have Said ⚖️

TWO CASES TO KEEP IN YOUR POCKET

### *Wade v. State*

No. ED98298 (Mo. App. E.D.)

- Convicted defendant moved, in his criminal case, for a 9-1-1 recording
- Court applied § 610.150's closure
- Proper route: a separate Sunshine action in circuit court (Sections 610.100.5, 610.027)

**Lesson:** *The ghost doesn't come out because someone files in the wrong case.*

### *Hemeyer v. KRCG-TV*

6 S.W.3d 880 (Mo. banc 1999)

- Sheriff in doubt asked a court whether to release a booking video
- Supreme Court favored openness
- Sheriff paid the station's attorney fees

**Lesson:** *"When in doubt" suits under § 610.027 carry fee risk.*

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# Goblins at the Door 👺

§ 610.100.4 · WHO MAY KNOCK

| Goblin | Qualifies? | Note |
|---|---|---|
| **Person involved in the incident** | **Yes** | "Involved" isn't defined; caller, patient, driver, victim are easy cases |
| **Person whose property is involved** | **Yes** | Homeowner, vehicle owner, business owner |
| **Attorney or insurer of an involved person** | **Yes** | Get the engagement letter or claim number in writing |
| **Parent or child (first-degree kin)** | **Only if deceased or incompetent** | Applies only when the involved person can't ask |
| **Spouse** | **Not by blood** | Related by marriage; look for another route |
| **Sibling, grandparent, cousin** | **No** | Second degree or beyond |
| **Media, curious neighbors** | **No** | General public |

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# What Goblins Get — and the Clock ⏳

§ 610.100.4 · ACCESS AND DEADLINE

**30**

days to produce the records — or file a motion in circuit court

## What they get

- Records closed under § 610.100 or § 610.150, for a civil claim or defense
- On written request: a complete, unaltered, unedited incident report
- Access to other closed records

## Your process

- Require a written request
- Verify identity and involvement
- Screen for safety and open investigations
- Calendar day 30 on arrival
- Document what went to whom, and why

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HYPOTHETICAL · YOUR CALL



# The Goblin Next Door

Part 2 · Goblins · § 610.100.4

THE FACTS

- A drunk driver crashes through a fence on Elm Street at 3 am
- The fence owner never called 9-1-1, but discovers the damage the next morning
- He sends a written request for the call audio for his insurance claim

YOUR CALL

- Is he "involved"?
- What can he get?
- What do you verify first?



HYPOTHETICAL · YOUR CALL



# The Grieving Mother

Part 2 · Goblins · § 610.100.4

THE FACTS

- A 34-year-old man calls 9-1-1 during an overdose of a prescription medication
- He calls 911, struggling to breathe, but dies before EMS arrives
- His mother asks for the recording of the 911 call, wanting to see what was told to the telecommunciators.

YOUR CALL

- Does she qualify under § 610.100.4?
- What part of the recording raises a second issue?
- What proof do you ask for?

HYPOTHETICAL · YOUR CALL



## The Widow's Veil

Part 2 · Goblins · § 610.100.4

THE FACTS

- Same overdose call as before
- This time the request comes from his wife, who was present with him in the home when the incident took place
- She requests a copy of the phone call, because she would like to hear his voice one more time.

YOUR CALL

- Does the consanguinity clause reach a spouse?
- Is there another route in?
- Who should make the decision?



HYPOTHETICAL · YOUR CALL



## The Adjuster in a Cape

Part 2 · Goblins · § 610.100.4

THE FACTS

- Two-car crash at an intersection on a busy street
- The at-fault driver's insurer requests the other driver's 9-1-1 call
- The letter is on company letterhead with a claim number

YOUR CALL

- Does an insurer qualify — and whose insurer?
- What purpose does the statute require?
- Anything to redact?

# Ghouls and Graves

§ 191.227.8 · HEALTH INFORMATION FROM THE CALL

### What's covered

- Health history and treatment records
- Created by an emergency care provider or a telecommunicator first responder
- While responding to a formal request for assistance
- EMD answers, pre-arrival and CPR instructions

### Who may dig

- The patient, guardian, or legally authorized representative
- Deceased patients: the § 191.227.7 list
- Subpoena or court order
- Same fees as any health record

### What stays buried

- Not a public record under Chapter 610
- "General nature of the event" may be released
- Patient care handoffs allowed
- Established QI program reviews allowed

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# Ghoul Bait: The 18 HIPAA Identifiers

HIPAA SAFE HARBOR · 45 C.F.R. § 164.514(b)(2)(i)

• **Often captured on a 9-1-1 call**

| | | |
|---|---|---|
| 1 **Names** | 7 Social Security numbers | 13 Device identifiers and serial numbers |
| 2 **Geographic units smaller than a state (street, city, ZIP)** | 8 Medical record numbers | 14 Web URLs |
| 3 **Dates except year (birth, death); ages over 89** | 9 Health plan beneficiary numbers | 15 IP addresses |
| 4 **Telephone numbers** | 10 Account numbers | 16 **Biometrics, including fingerprints and voiceprints** |
| 5 Fax numbers | 11 Certificate and license numbers | 17 Full-face photos and comparable images |
| 6 Email addresses | 12 **Vehicle IDs, including license plate numbers** | 18 Any other unique number, characteristic, or code |

**The takeaway:** the caller's own voice is an identifier. Use this list as your redaction checklist.

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# Two Locks on One Door 🔐

SAME RECORDING, TWO DIFFERENT GATES

### § 610.100.4 family clause

- Gate to the 9-1-1 record itself
- Only when the involved person is deceased or incompetent
- First-degree kin only: parents and children
- No spouse, no siblings

### § 191.227.7 deceased-patient list

- Gate to the health content
- Executor, administrator, or health care POA agent first
- Then surviving spouse (priority), trustee, adult child, parent, adult sibling, guardian, GAL
- Each on affidavit

**When the gates disagree, release only what each gate allows — and call counsel**

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HYPOTHETICAL · YOUR CALL



# The Ghoul with a Notepad

**Part 3 · Ghouls · § 191.227.8**

THE FACTS

- An ambulance is dispatched to the mayor's house for an overdose of a street drug
- A reporter asks whether fentanyl was involved, but police defer on the question
- The reporter contacts the telecommunciations center for a copy of the audio recording and also wants the patient's age and condition

YOUR CALL

- What can you say?
- What is the "general nature of the event"?
- Does the mayor's public role change anything?

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HYPOTHETICAL · YOUR CALL



## The Graveyard Shift Handoff

Part 3 · Ghouls · § 191.227.8

THE FACTS

- A caller reports her husband's sudden slurred speech, believing he is suffering from a stroke
- The receiving hospital's stroke coordinator wants the audio for additional information
- The ambulance district's QI officer wants it too, to review time-to-recognition for quality review

YOUR CALL

- Is this a public release?
- Which safe harbor applies?
- What must exist on paper first?



HYPOTHETICAL · YOUR CALL



## The Phantom Employer

Part 3 · Ghouls · § 191.227.8

THE FACTS

- An employee has a seizure on a warehouse loading dock, early on Tuesday morning
- The HR manager requests the 9-1-1 call, investigating what occurred
- She says it's "for our incident file"

YOUR CALL

- Is the employer an authorized requester?
- What changes if a workers' comp claim follows?
- Who could get this record?

HYPOTHETICAL · YOUR CALL



# The Corpse Bride

Part 3 · Ghouls · § 191.227.8

THE FACTS

- The widow from "The Widow's Veil" returns
- She brings an affidavit that she is the surviving spouse
- No executor has been appointed

YOUR CALL

- What does § 191.227.7 give her?
- What about the non-health parts of the recording?
- How do you document the release?



# Sealing the Crypt

§ 610.100 · ASKING THE COURT TO KEEP IT CLOSED

Section 610.100.3

### Safety redaction

Close and redact portions posing a clear and present danger to a victim, witness, or other person — or jeopardizing an investigation

Section 610.100.4

### The 30-day motion

Ask the circuit court to close or redact when safety can't be reasonably ensured or an investigation would be jeopardized

Section 610.027

### The "in doubt" action

Ask the court whether you may close a record. But remember *Hemeyer* and the fee risk

**The wrinkle for 9-1-1 centers:** § 610.100.4 speaks of a "law enforcement agency." A sheriff-run PSAP fits; a stand-alone 9-1-1 board or district may not. Agree in advance on who files and who pays the costs — by MOU with your agencies and prosecutor.

HYPOTHETICAL · YOUR CALL



# The Uninvited Guest

Part 4 · Sealing the Crypt · § 610.100

THE FACTS

- A woman calls 9-1-1 from a neighbor's home after her ex-husband assaults her
- She gives her new address and says he doesn't know where she lives
- A full order of protection is on file
- Two weeks later, his attorney requests "my 9-1-1 incident"

YOUR CALL

- Is he "involved"?
- What in the record is dangerous?
- What must happen before day 30?
- What happens on day 31 if nobody filed?



HYPOTHETICAL · YOUR CALL



# The Werewolf Still at Large

Part 4 · Sealing the Crypt · § 610.100

THE FACTS

- A store is burglarized overnight
- The 9-1-1 caller was a witness who named the suspect
- The suspect is not in custody
- The store owner requests the call

YOUR CALL

- Is the owner entitled?
- What are your grounds for a motion?
- Close the whole record or redact?

# Haunted House Lightning Round

VOTE ON EACH SCENARIO

| # | Scenario |
|---|---|
| 1 | The TV reporter wants the Hollow Creek fire call audio |
| 2 | The homeowner's attorney wants "all records" of the fire call |
| 3 | The man claiming to be the caller's ex wants "her call and her address" |
| 4 | A sheriff's investigator wants a call from another agency's jurisdiction |
| 5 | The Division of Workers' Compensation wants the injured-roofer call |
| 6 | An adult daughter wants her late father's cardiac-arrest call |
| 7 | A citizen wants every call to a bar on Halloween night |
| 8 | A defense attorney files a motion for the tape in the criminal case |

**Your vote**

- **Treat** — Release
- **Trick** — Deny
- **Seal** — Go to court

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# Leaving the Graveyard

FOUR TAKEAWAYS AND YOUR HOMEWORK

- **Ghosts:** Call content is closed to the public; incident facts are open (date, time, location, desc)
- **Goblins:** Involved persons, attorneys, insurers, and kin of the deceased get in. All within 30 days
- **Ghouls:** Health information is never a public record
- **Crypt Seal:** If release endangers someone, go to court before day 30

**Policy homework**

- Written 9-1-1 records release policy
- Request log with 3-day and 30-day calendar
- Standard incident-information template
- Identity and standing verification forms
- Health and safety redaction protocol
- MOU on who files the court motion
- A documented QI program

*"The archive will always be haunted. Your policy decides who gets the key."* Questions?

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