

FAQ's Regarding the Release of 911 Calls

Statement from Jonathan Greenspun, Commissioner, Mayor's Community Assistance Unit.

The New York Times and many other media outlets are releasing a recording of a call made to 911 Emergency Services on September 11, 2001. This call has caused some deep concern and confusion about what the City of New York is releasing to the media on March 31, 2006.

The FAQ below answers many of the questions about what EXACTLY is being released and, more importantly, what is NOT being released. It is crucial that all family members understand that the calls that will be released by the City on Friday will be redacted calls that do not contain the words of their loved ones. Entire calls (including the words of the caller) of anyone who perished in the attack will be released only if we receive specific written authorization from the victim's next of kin. The call that was the subject of today's Times article and that the paper placed online was released by the City to the victim's parents who then made a personal decision to share it with the New York Times.

Below are some questions and answers that cover the release of these calls. Should you have any more questions, contact Ada Rehnberg at the Mayor's Community Assistance Unit. Ada can be reached at 212-788-7410 or by email at arehnberg@cityhall.nyc.gov.

Q - What records concerning Sept. 11th will be released on Fri., March 31, 2006?

A - The City is releasing portions of the calls made to the 911 emergency response system on Sept. 11, 2001, concerning the attack on the World Trade Center.

Q - Are these being released pursuant to a legal decision?

A -- Yes. In 2002, The New York Times and nine family members sought to obtain the records under the State's Freedom of Information Law (FOIL) against the New York City Fire Department. The Times and the other petitioners had argued that disclosure was in the public's best interest. The City had argued that privacy needs of the callers should be paramount given the intensely emotional and private nature of the calls and the related communications. Seeking to balance the need for an historical record versus the privacy of anguished victims of Sept. 11, 2001, the New York Court of Appeals -the state's highest court - ruled in March 2005 that portions of Fire Department radio dispatch communications, "oral history" interviews with firefighters, and emergency calls made to the City's 911 system were subject to public disclosure under New York State's Freedom of Information Law, but with certain permissible eliminations ("redactions") intended to protect the individuals' privacy. The New York Times had also made a request, under the State's Freedom of Information Law, to the Police Department, for their records of 911 calls from the World Trade Center on the morning of Sept. 11, 2001. The Police Department is producing its records in accordance with the guidelines established by the Court in the Fire Department's case.

Q- Have the Fire Department's internal dispatch recordings and "oral histories" already been released?

A - Yes. The New York City Fire Department issued these on Aug. 12, 2005.

Q - So the 911 calls being released this Friday are different, right?

A - Yes. The previously-released dispatch recordings were of internal Fire Department communications. The oral histories were interviews of firefighters and EMS workers conducted after the tragedy about the events of that day. The 911 calls being released on Fri., March 31st represent emergency calls placed on Sept. 11th.

Q - Will 911 calls made FROM the Twin Towers on Sept. 11th be released?

A - Yes.

Q - How many calls were received from the Twin Towers that day?

A - There were about 130 calls logged.

Q - The number seems low; is that it?

A - Yes. In many cases, people were in large groups, and one person initiated the call.

Q - How many of the callers have you identified?

A - We have identified 28 persons in the World Trade Center who spoke to 911. Since a number of these persons made more than one call to 911, these callers made or participated in 40 of the approximate 130 calls.

Q- How many of these 28 persons died in the World Trade Center?

A - 27 of these people tragically died in the World Trade Center. One person survived.

Q- Are there any other calls from the Twin Towers that you have identified?

A - Yes. One 911 call from one caller (not among 28 aforementioned persons) and parts of two calls from another caller (among the 28) have not been produced in accordance with governmental law enforcement interests. These calls will be produced in the future. Their families have been notified by either the Law Department or appropriate government agencies.

Q- You said earlier that the court allowed some redactions. Could you elaborate?

A - The words of the 911 operators, at the New York City Police and Fire Departments, are being released. The words of persons who called 911 (other than government employees, like firefighters who called from outside the building) have been redacted in accordance with the decision by the New York Court of Appeals, which - as mentioned - held that the callers to 911 had a privacy interest in their words. In addition, where the 911 operators repeated identifying information about the caller, such as the callers' name or telephone number, that identifying information has been redacted to protect the callers' privacy.

Q- I heard there was a legal ruling late on Wed., March 29, 2006, that might affect the information to be released. Can you explain this to me?

A - Yes. In preparing the CDs and transcripts, the City - to comply with the March 2005 Court of Appeals' ruling - redacted information that identified the callers, such as names and phone numbers, that the 911 operators repeated back. In other words, these references were removed from the 911 operators' tapes and transcripts. However, The New York Times and its legal petitioners made a motion on Tues., March 28, 2006, to have the City release this information as well. Late on Wed., March 29, 2006, Justice Richard Braun of the State Supreme Court of Manhattan signed an order saying that this information should be released. However, the City plans to file an immediate appeal on Thurs., March 30, 2006. The City believes that releasing this information would violate the privacy interests and rights of the callers to 911, and that it would directly contradict the Court of Appeals' ruling.

Q - What materials were prepared for the families whose loved ones' calls were identified? Why are the records being released now?

A -- Pursuant to the court ruling, individual, un-redacted recordings were made of the telephone conversations of any callers whom we were able to identify, so that the next-of-kin could obtain a copy of the entire call of their family member. Given previous experience, the City decided not to release any individual recordings until it had completed the process of identifying all possible persons. This was to avoid issuing lingering, prolonged updates which could have further pained families or given them ongoing false hope that a call from their loved one might yet be identified. The City's full process has recently been completed, which is why the CDs are being issued now.

Q - Why do both the Fire and Police Departments have 911 records?

A - When someone calls 911, the call is generally first answered by a Police Department 911 operator. Depending on the nature of the emergency, the call is either fully handled by the Police Department operator, or is transferred to an employee of the Fire Department or the EMS (which, as previously noted, is also part of the Fire Department). Generally, the Police Department remains on the call, and continues to record the call, when it is transferred to the Fire Department or EMS. The Police Department generally tapes the entire call; the Fire Department tapes the part of the conversation that follows the transfer to the Fire Department or EMS. Also, independent calls may be made directly to the Fire Department.

Q- In what form are the records being released? Can you give me information on how long they run and what technical information I might need to know?

A - The Police Department's 911 records are audio recordings, and the Fire Department's 911 records are in both audio recording and written transcript form.

Q - Currently, are the written transcripts and the audio recordings of the FDNY records the same?

A - Not quite. In most cases, the transcripts do contain the same words, to the best of the transcriber's ability. However, the transcripts contain some words or sentences that are not on the Fire Department audio recordings. This is because - as previously

noted - the Court of Appeals required that the voices of the callers to 911 be redacted. There are instances where the caller and the 911 operator were speaking at the same time; in order to redact the caller's words, the 911 operator's words had to be redacted as well. However, where the operator's words were audible and understandable, the operator's words were included in the transcript, even where they had to be redacted from the audio recording.

Q- But doesn't Judge Braun's legal ruling from Wed., March 29, 2006, affect this?

A - As noted, the Law Department will be immediately appealing the ruling. If any changes to the process are made, the families will be informed promptly.

Q - What about the callers' voices? Does anybody have a right to make their conversations public?

A - The caller (or if the caller is deceased, the caller's next-of-kin) has the "right of privacy" to the caller's words. So only they can choose to make the words public.

Q- Has the City contacted the families of the identified callers and the surviving caller? Do they get the full conversations?

A - Yes to both questions. The City has sent correspondence within the last week offering to provide these persons with the complete, un-redacted audio record of the call or calls made by the caller. The City has also advised the next-of-kin and the surviving caller that they may authorize the City to publicly release the entire un-redacted call or calls, if they choose to do so. The City has also informed the next-of-kin and surviving caller that they are free to provide the un-redacted call to whomever they choose on their own.

Q - Do the families and the survivor get ALL of the 911 calls - or just the one relating to them?

A - Just the one call relating to them (unless a family lost more than one person...then they would get the calls of each of their loved ones).

Q- How can we get their names?

A - In light of the Court of Appeals' opinion recognizing the callers' right of privacy, the City cannot release the names of families (or the survivor who made a 911 call) without permission. The City also cannot release the full CDs - with both the operators' and the callers' words - without permission, either.

Q - Do you anticipate anyone giving permission?

A - One family has already given the City permission. The initial choice to request and listen to the 911 call is a personal and emotional one. Thus far, only a small handful of families have contacted the Law Department asking to acquire the CDs.

Q - What if I hear a call on the news or the Internet?

A - The families and the survivor will have access to the CDs once they have requested them and taken receipt. If they decide to provide the CDs to a news organization or web site, that is their individual choice.

However, the Law Department itself cannot release the callers' words (even if the families or the survivor have elected to give it out on their own) until permission is formally granted through our office, and the Law Department has consulted with the family about the nature and extent of the release.