



**FIRE DEPARTMENT • CITY OF NEW YORK**  
**Supplement No. 16 to Department Order No. 23**  
**March 22, 2006**



**2.1.1 FDNY PLANS TO PUBLICLY RELEASE ADDITIONAL SEPTEMBER 11, 2001 RECORDS  
PURSUANT TO NEW YORK STATE COURT OF APPEALS DECISION**

On March 24, 2005, the New York State Court of Appeals (the State's highest court) ruled in the case brought by the New York Times and certain family members to obtain various Fire Department records relating to the events of September 11, 2001 under the state's Freedom of Information Law.

Among the records sought were all calls to the 911 System which were received by the Fire Department (including EMS) concerning the attack on the World Trade Center. In compliance with the Court's decision, the Department plans to release the calls to the 911 System on or about March 28, 2006 to the families who sought their release in the lawsuit, to the New York Times, and to other members of the press. Copies will also be made available to others who request them as well. Also being made available will be calls to the 911 System which were received by the New York City Police Department.

Although the lawsuit sought public release of the entire conversations on these 911 calls, the Court ruled that only the operators' part of these conversations should be publicly released. The Court reasoned that the words of persons who called 911 on September 11, 2001 are private, and that only the person who called 911, or if the caller is deceased, his or her family, can waive this privacy right and allow the caller's words to be made public.

Other records the Court directed be released were transcripts of the Fire Department's oral histories and tapes and transcripts of radio communications involving Fire Department personnel (primarily dispatch recordings). In compliance with the Court's decision, the Department released the oral histories and radio communications (including a log of EMS calls) on August 12, 2005 to the families who sought their release in the lawsuit, to the New York Times, and to other members of the press. Information about the August 2005 release can be obtained from the FDNY Intranet. The Department will provide ordering information shortly.

By Order of: **Nicholas Scoppetta**, *Fire Commissioner*  
**Salvatore J. Cassano**, *Acting Chief of Department*