



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**MEDIA ADVISORY ON HOW TO OBTAIN 911 EMERGENCY CALLS
FROM SEPTEMBER 11TH**

***PORTIONS OF CALLS TO BE RELEASED BY NEW YORK CITY ON FRIDAY, MARCH 31, 2006,
TO ACCREDITED PRESS MEMBERS***

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New York, March 29, 2006 – The New York City Law Department today announced that CDs would be made available on Fri., March 31, 2006, containing portions of calls to the City's 911 emergency response system relating to the tragic attack on the World Trade Center on Sept. 11, 2001. Most of the calls that will be released will be from persons who were calling 911 from the Trade Center. Pursuant to a decision by the New York State Court of Appeals in March 2005 recognizing the privacy interests of those who called and their families, only the operators' and dispatchers' part of calls will be released. [Note: There have been some breaking legal issues relating to this that will be addressed later in our advisory.]

Due to an anticipated high demand at this time, the calls will be made available to accredited press members only. One set of CDs will be provided to each news organization. The following Q&A should answer any questions you have, including how to obtain copies:

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.

One CD will contain audio recordings made by the Police Department, which will include the Police Department operators' part of the conversation and generally, if the call was transferred to the Fire Department or the Emergency Medical Service ("EMS") (which is a part of the Fire Department), the Fire Department or EMS operators' part of the call as well.

Other CDs will contain the Fire Department's audio recordings and transcripts of the operators' words – i.e. the operators' words that follow the Police Department's transfer of the call to the Fire Department or EMS, or the independent call to the Fire Department.

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.

If your media outlet does not yet have copies and wants them, it can request them in writing. Please send a note on your news organization’s letterhead, along with a copy of your press credential and a check or money order for \$27 U.S. (to cover copying costs and shipping & handling). The check should be made out to “New York City Fire Department.” Please forward the request to: Fire Department Public Records Unit, Main Floor, 9 Metrotech Center, Brooklyn, New York 11201, USA.

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.

----- **BREAKING LEGAL NEWS** -----

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 – redact 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 – Might the entire 911 distribution process be delayed?

A – We do not expect that. *The New York Times's* legal order only affects small parts of the operators' transcripts. However, we will keep reporters advised as the legal case moves forward and any important updates occur.

Q - What processes needed to be set up by the City to handle releasing the records?

After the Court of Appeals' ruling, the City prepared the recordings and transcripts for release in accordance with the Court of Appeals' opinion. This involved a long and very complicated process whereby the City listened to all the recordings, redacted the many hours of recordings to edit the callers' words, verified (and in some instances, corrected) redactions, and then duplicated the redacted calls for the press. Officials from four City agencies worked on this process -- the New York City Law Department, the Fire Department, the Police Department and the Mayor's Community Assistance Office. The City needed to research and identify as many callers as possible (e.g. some left call back numbers but not their names). The City also had to set up a process for notifying the families or next-of-kin.

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.

The records have been copied onto 13 CDs:

- 11 CDs contain Fire Department audio recordings.
- 1 CD contains about a dozen PDF files (which in turn contain about 450 pages of the written transcripts of the Fire Department calls).
- 1 CD is "compressed" and contains the Police Department audio recordings. Transcripts are not available for the police calls.

The Police Department recordings run about two and a half hours, and the Fire Department recordings run about six hours, 20 minutes. The total combined run time for all the audio discs is about eight hours, 45 minutes.

In case it's helpful for media organizations' tech staffs:

- The 1 Police Department audio disc is "wav" file format.
- The 11 Fire Department audio discs are in "cda" format
- The 1 Fire Department transcript disc is in "PDF" format.

Q – How can my media organization obtain a copy of the records?

A -- Records will be released by the New York City Law Department on Friday, March 31, 2006, beginning at 10:00 a.m. Eastern Standard Time (EST) and running until 6 p.m. EST. We will set up a queue inside the New York City Law Department building lobby beginning at 9 a.m. Please do NOT arrive much earlier, as personnel need time to set up prior to that.

Q – Where is the Law Department?

A – The office is located at 100 Church Street, New York, N.Y. 10007, between Park Place and Barclay Street, which is located two blocks north of Ground Zero. The office is on the west side of the street.

Q – How do I get to the Law Department?

A – Take the A, E or C trains to Chambers Street or the 2 or 3 train to Park Place. You can also take the N or R to City Hall or the 4, 5 or 6 to City Hall, then walk over to the Law Department. If you are driving, there are some local parking spaces or garages, but you should leave time to find spots.

Q – How many CDs can my news organization get?

A – Given anticipated high demand, each individual organization will be limited to one set of the 13 CDs. However, they can be copied easily (this is permissible for newsgathering purposes, and for other public information or educational purposes).

Q – Is there a cost?

A -- The cost of a set of 13 CDs is \$13 dollars U.S. to cover copying fees. Please bring a CERTIFIED CHECK OR MONEY ORDER – in the amount of \$13 – payable to "the City of New York," on March 31st. Cash will NOT be accepted. For those needing money orders, there is a large post office one block down from the Law Department at 90 Church Street. There is also a Bank of America next door to the Law Department.

Q – What if I get there late?

A – The Law Department has tried to anticipate press need based on previously issued Sept. 11th materials. However, to best ensure you receive a set, we strongly suggest your organization arrives in the morning. We will distribute all sets until the stock is exhausted.

Q – Must the person picking up the CDs be an accredited member of the press?

A – Yes. Again, due to anticipated high demand, we will ONLY be able to give out CDs sets to accredited press members on March 31st. You must bring your press IDs; they will be checked. (Messengers or stringers are fine, as long as their formal press IDs indicate the news organization with which they are affiliated.) CDs will NOT be given to people lacking appropriate media identification.

Q – What if I'm a member of the press and can't be in New York that day?

A – Please send a note on your media letterhead, a photocopy of your press identification and a certified check or money order made out to "the City of New York" in the amount of \$18 dollars U.S. (\$13 for the set and \$5 for postage and handling) to: WTC 911 Tape Requests, Care of: Media & Communications Director, 100 Church Street, 6th Floor, New York City, N.Y. 10007, USA. Once your order is received and additional CD copies made, the materials will be mailed to you. Alternatively, many news organizations – including *The New York Times* – have indicated they plan to post the recordings on their web sites, so you can also check the Internet. They will probably be available within a day or two of the news organizations picking up the CDs on Fri., March 31st.

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 media will be informed promptly.

Q – So for now we will essentially be getting the operators' voices on the CDs?

A – Correct. However, in some cases, if government officials are speaking (e.g. firefighters calling from outside the buildings), then both sides of the conversation will be available.

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 – That will be up to the families and the surviving caller. The initial choice to request and listen to the 911 call is personal and emotional choice. Thus far, only a small handful of families have contacted the Law Department asking to acquire the CDs.

Q – Do you anticipate ANY of the callers' words being available on Friday, March 31st from the Law Department?

A – Unfortunately, no. In addition to getting formal waivers, the City will be consulting with the families to discuss the extent of media release with which they comfortable and the manner in which they want it released.

Q – How can I find out when – or if – of the callers' words are being released?

A – The Law Department will keep the media informed promptly in accordance with the families' or survivor's wishes. More details will be provided to the media as soon as permissions are granted and arrangements are made to provide the callers' recordings.

Q – Do you think any recordings might be available in the next week or so?

A – We will update the media as soon as we have any confirmed information on releases.

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.

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