

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE**



Public Hearing  
on  
B25-0953, the “Transparency in Emergency Response Amendment Act of 2024”  
Submitted Testimony of  
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Before the  
Committee on Judiciary and Public Safety

Council of the District of Columbia  
The Honorable Brooke Pinto, Chairman  
October 23, 2024  
10:30 am  
1350 Pennsylvania Avenue, NW  
Room 412  
Washington, D.C. 20004

Good morning, Chairperson Pinto, Committee members, staff, guests, and the viewing public. My name is Heather McGaffin, and I am the Director of the Office of Unified Communications (OUC). I am here today to provide oral testimony on [B25-953](#), the "Transparency in Emergency Response Amendment Act of 2024."

First, I am going to begin by recognizing the nearly four hundred employees of the OUC and by stating again how fulfilling it is to lead this team. OUC is comprised of dedicated professionals charged with answering the call either on 311, 911, or in a support role for the two most used telephone numbers in the District of Columbia.

Each year nationwide, nearly 240 million 911 calls are taken. Of those calls, we know the dedicated call takers in the District took 1.8 million calls of those last year. From those 1.8 million calls, we received 309 Freedom of Information Requests. We do our best to fulfill those requests while maintaining the confidentiality of the caller who made a call at what was possibly their most vulnerable moment.

Nationally, the two largest industry standard setting organizations, the Association of Public Safety Communications Officials (APCO) and the National Emergency Number Association, have not set a standard as to how the release of 911 records should be handled. Therefore, 911 centers must do what is in the best interest of the 911 caller.

The records that an Emergency Communications Center (ECC) typically have and receive requests for are 911 audio and a Computer Aided Dispatch (CAD) report. CAD is defined as a computer-based system which aids PSAP Telecommunicators by automating selected dispatching and record keeping activities. CAD report shows the initial time the call was taken, when it was ready for dispatch queue, when it was dispatched, and when units were dispatched, en route, and available. CAD is available to all call takers, dispatchers, and field responders via their mobile data terminals.

CAD reports contain a plethora of personal information including people's medical conditions and history. HIPAA doesn't prevent dispatch centers from communicating all information necessary for EMS response and treatment to EMS agencies. While patient names shouldn't be given out

unless truly necessary, a dispatch center may transmit any information necessary to facilitate the EMS treatment of a patient. However, this does not mean that the agency should release this information publicly even via a formal request.

Currently, OUC releases 911 audio to the caller only. CAD reports for private residences are released to residents who can provide a government issued ID or document to show proof of ownership and/or residence of the location. For public locations, the CAD report and call can be released with the caller's identifying information redacted. The call and records may also be withheld if there is active investigation or litigation underway. However, the OUC uses prudence and legal exemptions when fulfilling requests including those found in Code of the District of Columbia §2-534. Exemptions from disclosure.

The Bill, as written today, would require the public release of the CAD report, transcripts, and recordings of the 911 call with no regard to privacy and does not consider the use of redaction. There are often times when callers can be easily identified by their voice, a certain phrase they use, or a description they give of someone or something. For example, a caller may state that they don't want to leave their name and want to remain anonymous but then they advise they're "calling about the people who live upstairs." If we release the call or the CAD report, the public will easily be able to determine the identity of the caller and that information may be used in a retaliatory manner.

CAD reports and 911 audio also create risks to the privacy of OUC call takers and dispatchers. There have been documented instances of threats and harassment in 911 centers and to 911 staff across the nation because of errors. Protecting the privacy of 911 call takers is also important as legislative decisions are made, because they can adversely affect the retention of good responders. When assessing whether and how to release data from an incident, we must assess the rights of OUC employees and consider their privacy and safety.

OUC makes every effort possible to give generalized information when possible. For example, there are a number of homeowner's associations who receive a list of the number of 911 calls to their buildings each month void of any identifying information.

While there is no national standard, I obtained information through the network of the National Association of State 911 Administrators. In most states, there are no specific laws on the release of 911 information and the decision is up to the ECC as to whether they release information.

New Hampshire, New York, Rhode Island, Maine, Montana, and South Dakota have laws that protect the privacy of 911 calls and there are few instances where the calls are released. Some of the six states I have just mentioned will share a redacted transcript in lieu of a call. Colorado shared they have a broad open records policy, unless there is a narrow set of criteria met.

The mission of OUC is to protect 911 callers during and after they make their call to the OUC. There have been several instances recently where requests for 911 calls could have been catastrophic or traumatic if released to someone other than the caller. 911 calls can and have been used for people to identify witnesses and in a few rare instances, those witnesses were then intimidated causing further issue in the judicial proceedings of the case.

For example, a child in fear of their life called 911 and requested police assistance. Days later the adult of that home called and wanted to know who called 911. Had we been required to release that information, what further harm could have been done to that child. OUC receives countless calls from domestic violence victims and we have a duty to ensure their privacy.

There is a second example where a woman called and advised that her daughter had taken her last breath while on a trip to Washington, DC. She adamantly asked that we not release the call made to 911.

Recently, it was reported to our agency that a person outside of the District Government obtained a copy of a CAD fire report. The individual used information available on the CAD report to call the family and encouraged them to call the media, request the audio, and let the media play that audio. The family was curious and asked me how the individual received their information. This action is not acceptable and jeopardizes the safety of the family and the integrity of the situation. It also shows how re-traumatization can be triggered by people who don't fully understand a

situation but rather are curious and want to know more information or highlight an error the agency made.

The unfettered releasing of information due solely to curiosity or public interest will have detrimental effects, even if just to one person. The safety, physical, and mental health of the public who would be impacted by the release of information is our priority and truly needs to be considered prior to any public release. Once we release information, there is no control over who has it and what can be done with it. It can become a soundbite on a show, it can cause further harm, and it will live on the internet forever.

It is also important to note that transcripts and CAD reports are often evidence in court proceedings and the release of those documents are withheld for the integrity of an investigation or proceeding. This legislation, as written, does not take those instances into account.

While I stand committed to being as transparent as possible, I believe it is an expectation that 911 calls are private between the caller and the agencies responsible for responding to those calls. Oversight is vitally important and welcomed; but there is a way that can be done without compromising the integrity of a 911 call's sensitivity. Releasing calls to the public simply for the public to understand the circumstances that gave rise to the incident, only further increases the chances for secondary trauma and does not address the root of the cause of the incident

I am available to answer any questions you may have.