

The Commonwealth of Massachusetts

County of Plymouth

Plymouth, MA 02360 Telephone: (508)

Fax: (508) 830-6316 www.pcsdma.org

24 Long Pond Road



Sheriff's Department

July 28, 2011

Jeffrey Pyle, Esq. Prince Lobel 100 Cambridge Street, Suite 2200 Boston, MA 02114 Gerald C. Pudolsky Special Sheriff

Accredited by:

Sheriff



RE-Public records request

Dear Attorney Pyle:



In response to your records request dated July 14, 2011, the Department produces the attached records. The Department assesses a cost of \$16.00 for copies (\$.20 per page x 80 pages). Please send payment to the above address, payable to "Plymouth County Sheriff's Department."

Regarding your request for documents concerning MORIS devices the Department expects to receive in the fall of this year, the Department has no such documents in its possession.

Regarding your request for documents concerning funding for MORIS or the use of MORIS, the Department has no such documents in its possession.

The Department respectfully declines to provide certain requested records for the reasons stated below.

The Department has withheld four emails among counsel and Department managers concerning legal opinions. Such record is exempt from disclosure by attorney-client privilege. <u>Suffolk Construction Co.</u>, <u>Inc. v. Div. Capital Asset Management</u>, 449 Mass. 444 (2007).

The Department has withheld documents which disclose the method of operation of the MORIS system. The request seeks investigatory materials necessarily compiled out of public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest. G.L. c.4 §7 cl. Twenty-sixth (f); Bougas v. Chief of Police of Lexington, 371 Mass. 59, 62 (recognizing exemption for confidential law enforcement

techniques and procedures); Commonwealth of Puerto Rico v. United States, 490 F.3d 50, 62 (1st Cir. 2007) (recognizing privilege of law enforcement methods). "The exemption allows investigative officials to withhold materials that could compromise investigative efforts if disclosed. ... Similarly, records custodian may withhold confidential investigative techniques indefinitely since their disclosure would prejudice future law enforcement efforts." A Guide to the Massachusetts Public Records Law, William Galvin, Secretary of the Commonwealth, publisher, at 16 (2008).

Further, the request seeks information related solely to internal personnel rules and practices of the government unit, and proper performance of necessary government functions requires withholding of this information. G.L. c.4 §7 cl. Twenty-sixth (b). The Secretary of the Commonwealth has recognized the need to limit public access to prison records, citing the need to protect the confidential nature of law enforcement methods:

One of the Department's primary functions is to maintain secure penal institutions. Information regarding the procedures used by correctional officers during law enforcement efforts relates solely to the internal workings of the Department. Moreover, disclosures of this information could prove detrimental to the Department's law enforcement efforts, as knowledge of the Department's security response procedures could enable an inmate to circumvent such procedures.

Galvin, supra, at 10-11.

The facial recognition technology serves the purpose of identifying criminal offenders. In the setting of the Plymouth County Correctional Facility, use of the technology would serve the purpose of verifying the identity of those inmates, pretrial detainees, and administrative detainees who are committed to the care and custody of the Department. Proper identification of those admitted to and released from the Facility is essential to the Department's core mission of running a safe and secure correctional facility. Public disclosure of the Department's methods would enable the inmates and detainees to circumvent such procedures and jeopardize the safety and security of the Facility and the public. Further, circumvention of identification procedures would enable inmates and detainees to thwart law enforcement efforts by escaping detection in open investigations and fugitive apprehension efforts.

The Department has withheld documents which contain details of the Department's inmate management system. Further, the request seeks records, including but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities utilities, transportation or other infrastructure within the Commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety. Such records are exempt from disclosure under G.L. c. 4 §7 cl. Twenty-sixth (n). The requested documents contain detailed descriptions of the MORIS system and the inmate management system, including methods of operation, user names, and passwords. Public dissemination of such information would enable the inmates and detainees to circumvent such procedures and jeopardize the safety and security of the Facility.

You have the right to appeal this determination to the supervisor of public records, pursuant to 950 C.M.R. 32.00 and M.G.L. c. 66 §10.

Sincerely.

Patrick C. Lee General Counsel

From: Birtwell, John

Sent: Thursday, October 28, 2010 1:26 PM

To: Cruza, Tara

Subject: RE: facial recognition

Shh. Big brother is watching.

From: Cruza, Tara

Sent: Thursday, October 28, 2010 1:20 PM

To: Birtwell, John

Subject: RE: facial recognition

I must be a true republican. I'm always putting the brakes on things!

From: Birtwell, John

Sent: Thursday, October 28, 2010 1:20 PM

To: Cruza, Tara

Subject: RE: facial recognition

You instincts are good. I imagine there have already been discussions about what we can share on a data base and what must remain in-house. Let me refer it to Legal and BCI for guidance.

From: Cruza, Tara

Sent: Thursday, October 28, 2010 12:56 PM

To: Birtwell, John

Subject: facial recognition

BI2 is ready to install the facial recognition program in booking. Luckily I was able to 'borrow' a script from one of the other counties to export the demographic data and pictures for me. The script they used exported all inmates, past and present. That's 38000 inmates. I know this is not my decision but I was not completely comfortable with sending an outside vendor that much information. What are your thoughts? Now I am just exporting current inmates. That is only 1419 inmates. Please let me know what you would like to do. Thanks.

Tara Cruza

Deputy Director of IT
Plymouth County Sheriff's Department
24 Long Pond Road
Plymouth, MA 02360

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Tara Cruza Deputy Director of IT Plymouth County Sheriff's Department 24 Long Pond Road Plymouth, MA 02360

From:

Birtwell, John

Sent:

Wednesday, August 18, 2010 11:15 AM

To:

Cruza, Tara

Subject: RE: facial recognition

I totally agree. I will alert the PTB.

From: Cruza, Tara

Sent: Wednesday, August 18, 2010 11:01 AM

To: Birtwell, John

Subject: RE: facial recognition

As far as I can tell it's a manual process and I don't want to be the one exporting 1500 frontal images. Booking NEEDS to be involved. I can export the data quickly but the pics take time.

From: Birtwell, John

Sent: Wednesday, August 18, 2010 11:00 AM

To: Cruza, Tara

Subject: RE: facial recognition

Let's do it, but let's make sure Tony M. and Scott and any of the affected stakeholders are aware of what's involved. I assume that at some point there would be a way to export the booking fotos to an appropriate file.

From: Cruza, Tara

Sent: Wednesday, August 18, 2010 8:40 AM **To:** Moniz, Antone; Cruz, Amilcar; Gillen, Brian

Cc: Birtwell, John

Subject: FW: facial recognition

What are your thoughts on this? To do the first 50 samples I had to export the front picture from each inmate. The booking department would have to be involved if we are doing all of our current inmates. Please let me know what you want to do.

Thanks.

From: George Connolly [mailto]

Sent: Tuesday, August 17, 2010 6:22 PM

To: Cruza, Tara

Subject: FW: facial recognition

Tara;

I am resending this.

Any progress on getting this stuff uploaded?

Both John Staelens at Berkshire and Ray Nicholas at Franklin have successfully done this and may have some scripts that you could probably borrow to accomplish this.

To: George Connolly; Cruz, Amilcar; Moniz, Antone

Cc: Birtwell, John

Subject: facial recognition

Capt Cruz,

George would like to come tomorrow or Thursday to test some subjects for the facial recognition program. Like I said before, they will need to be inmates from the list I gave you. Will this be possible? Please let us know.

Thank you.

Tara Cruza
Deputy Director of IT
Plymouth County Sheriff's Department
24 Long Pond Road
Plymouth, MA 02360

From: Cruz, Amilcar

Sent: Wednesday, July 14, 2010 7:48 AM

To: Cruza, Tara

Subject: RE: facial recognition

It doesn't matter to me.

----Original Message----

From: Cruza, Tara

Sent: Tuesday, July 13, 2010 1:58 PM

To: George Connolly; Cruz, Amilcar; Moniz, Antone

Cc: Birtwell, John

Subject: facial recognition

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Thank you.

Tara Cruza
Deputy Director of IT
Plymouth County Sheriff's Department
24 Long Pond Road
Plymouth, MA 02360

From:

Birtwell, John

Sent:

Monday, July 12, 2010 4:06 PM

To:

Cruza, Tara

Subject: RE: Facial Recognition Meeting

Let me know what help u need.

From: Cruza, Tara

Sent: Monday, July 12, 2010 3:54 PM **To:** Moniz, Antone; Birtwell, John **Subject:** FW: Facial Recognition Meeting

fyi

From: Sean Mullin [mailto

Sent: Monday, July 12, 2010 3:46 PM

To: Cruza, Tara **Cc:** George Connolly

Subject: Re: Facial Recognition Meeting

Dear Tara,

Thanks for the update. I've Cc:'d George so he knows we can proceed.

Best wishes,

Sean

Sent from my iPhone

On Jul 12, 2010, at 1:41 PM, "Cruza, Tara" < www.

Good afternoon Sean.

I just spoke with Assistant Superintendent Moniz and he said we could move on without the meeting. Please let George know that we are ready to move forward. Thank you.

·--·

From: Sean G. Mullin [mailto

Sent: Wednesday, June 30, 2010 2:43 PM

To: Moniz, Antone; Cruza, Tara; Birtwell, John; Lee, Patrick

Cc: 'George Connolly'; Richard G. Search'

Subject: Facial Recognition Meeting

Dear Tara,

I am available anytime that is convenient for Assistant Superintendent Moniz and the senior staff. Please let me know when would be convenient.

Best wishes,

Sean

Sean G. Mullin
President & CEO
BI2 Technologies
488 State Road
Plymouth, Massachusetts 02360
Office - 00 ext. 17
Fax - 01
Cell - 04

DeCris	tofaro, Diane
From: Sent:	George Connolly [
To:	Cruza, Tara
Subject	: RE: facial Recognition meeting April 27th
	reschedule for the following week. I really think it important that you be there. We would only need ssroom with internet connectivity.
To: George	[mailto [mailto]] rsday, April 21, 2011 5:54 PM e Connolly Re: facial Recognition meeting April 27th
	es. It got confusing. Sorry about that. Can we do it the week after? I'm sure if that's the only someone else can be there in my place. Let me know.
Date: The To: Cruza	eorge Connolly" < 1, 21 Apr 2011 17:26:08 -0400 1, Tara < 1 > FW: facial Recognition meeting April 27th
Here is the Is there so	do not think I am crazy. correspondence I had with John Birtwell. meone else in your department who will cover for you or should we push it off until the next week? u availability for that following week (May 2 – 6)?
Sent: Thui To: 'Birtwe Cc: Richard	orge Connolly [mailto restauration of the control o
Norfolk has I would like building.	e process of replying when my notebook crashed. Apparently my email never got sent. said that either Tuesday or Thursday would be best for them. to schedule the training session for Thursday April 28 at 10 AM. I assume at the Administration for stepping up on this.

From: Birtwell, John [mailto

Sent: Thursday, April 21, 2011 2:54 PM

To: George Connolly

Subject: RE: facial Recognition meeting April 27th

Yea, that should work. Does Norfolk need a different date too? If so, we could do either date depending on their need.

From: George Connolly [mailto

Sent: Thursday, April 21, 2011 2:08 PM

To: Birtwell, John **Cc:** Richard G. Search

Subject: RE: facial Recognition meeting April 27th

John;

Thank you for responding. Will Tara be gone for the week or could we reschedule for Tuesday or Thursday? If she will not be available then I think we should reschedule for the following week. I feel it is very important that Tara be there for the training since her group will be responsible for continuing support.

George

From: Birtwell, John [mailto

Sent: Thursday, April 21, 2011 11:37 AM

To:

Subject: facial Recognition meeting April 27th

Hi George,

Tara is going to be out of town next Wednesday, but I think we can still meet here if you want for the training session. . Start time is 10ish?

De	C	ris	to	far	o.	D	iar	1e
	_				-,	_		

From:

George Connolly

Sent:

Thursday, April 21, 2011 5:26 PM

To:

Cruza, Tara

Subject: FW: facial Recognition meeting April 27th

Just so you do not think I am crazy.

Here is the correspondence I had with John Birtwell.

Is there someone else in your department who will cover for you or should we push it off until the next week? What is you availability for that following week (May 2-6)?

George

From: George Connolly [mailto

Sent: Thursday, April 21, 2011 4:52 PM

To: 'Birtwell, John'

Cc: Richard G. Search (

; Sean Doucette; Tara Cruza (

Subject: RE: facial Recognition meeting April 27th

John;

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I would like to schedule the training session for Thursday April 28 at 10 AM. I assume at the Administration building.

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Hi George,

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From:

George Connolly

Sent:

Monday, January 31, 2011 5:42 PM

To:

Cruza, Tara; 'Sean G. Mullin'; Birtwell, John

Subject: RE: Facial Recognition Project

Tara;

Attached are the instructions for uploading the file using FTP.

George

From: Cruza, Tara [mailto

Sent: Monday, January 31, 2011 10:45 AM

To: George Connolly; Sean G. Mullin; Birtwell, John

Subject: RE: Facial Recognition Project

Good morning George.

I got the script to work so I am all set with that. I just need to run it again. I need to know where to send the data and how.

Thank so much.

From: George Connolly [mailto

Sent: Friday, January 28, 2011 5:39 PM

To: 'Sean G. Mullin'; Cruza, Tara; Birtwell, John

Cc: 'Sheriff Peter Flynn'; 'Brad Cutting'; 'Waish, James F (SDA)'; McDonald, Joseph

Subject: RE: Facial Recognition Project

Tara;

I believe you have received from Ray Nicholas at Franklin a copy of the scripts used to extract the photos and demographic data from the Imats database.

I believe I previously distributed the instructions to upload the photos and data to the MSA Facial Server via FTP. Since some time has transpired since I first did this, I will send you another copy of the instructions on Monday.

Thanks George

From: Sean G. Mullin [mailto:smullin@bi2technologies.com]

Sent: Friday, January 28, 2011 12:41 PM

To: 'Cruza, Tara'; 'Birtwell, John'

Cc: 'Sheriff Peter Flynn'; 'Brad Cutting'; 'George Connolly'; 'Walsh, James F (SDA)';

Subject: RE: Facial Recognition Project

Dear Tara,

That's fine. I have Cc:'d George Connolly on this email. I am sure he will be glad to walk you through the instructions and scripts he sent you a while ago.

Please let me know if you have any other questions and if I can help in anyway.

Best wishes,

Sean

Sean G. Mullin
President & CEO
BI2 Technologies
488 State Road
Plymouth, Massachusetts 02360
Office - D0 ext. 17

Fax - D1 Cell - 44

From: Cruza, Tara [mailto Sent: Friday, January 28, 2011 12:38 PM

To: Birtwell, John; Sean G. Mullin **Subject:** RE: Facial Recognition Project

How is early next week Sean? How do I go about this?

From: Birtwell, John

Sent: Friday, January 28, 2011 12:25 PM

To: Sean G. Mullin

Subject: RE: Facial Recognition Project

I will make inquiries. ©

From: Sean G. Mullin [mailto

Sent: Friday, January 28, 2011 12:24 PM

To: Birtwell, John

Cc: 'Sheriff Peter Flynn'; 'Brad Cutting'; 'George Connolly'; 'Talcove, Haywood (LNSSI-DC)'; McDonald, Joseph;

'Walsh, James F (SDA)'

Subject: RE: Facial Recognition Project

Dear John,

That's great news! When can we expect to receive the digital photo files from Tara? We can't proceed without them.

Best wishes,

Sean

Sean G. Mullin
President & CEO
BI2 Technologies
488 State Road
Plymouth, Massachusetts 02360
Office - 00 ext. 17

Fax - 01 Cell - 44

From: Birtwell, John [mailto]

Sent: Friday, January 28, 2011 11:39 AM

To: Sean G. Mullin

Subject: RE: Facial Recognition Project

Hi Sean,

As far as I know, our position on joining the facial project is unchanged – and we are on board. Thanks for getting that CORI waiver done; that should make things easier with those guys – if there is ever any question in the future.

From: Sean G. Mullin [mailto

Sent: Friday, January 28, 2011 11:24 AM

To: Birtwell, John

Cc: 'Sheriff Peter Flynn'; 'Brad Cutting'; Cruza, Tara; McDonald, Joseph;

; 'Walsh,

James F (SDA)'

Subject: Facial Recognition Project

Dear John,

Have you made a decision about the Massachusetts Sheriffs' Association Facial Recognition Project? We have completed the implementations and I want to let Jim Walsh know whether Plymouth will be participating.

Thanks,

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From:

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Sent:

Friday, January 28, 2011 12:37 PM

To:

Cruza, Tara

Subject: RE: Facial Recognition Project

The current fotos buys us time (one eats an elephant a bite at a time) then I will check on the other 38,000

From: Cruza, Tara

Sent: Friday, January 28, 2011 12:36 PM

To: Birtwell, John

Subject: RE: Facial Recognition Project

Okay on the current or ok I'll ask and get back to you. Sorry, it's Friday, slow mind...

From: Birtwell, John

Sent: Friday, January 28, 2011 12:32 PM

To: Cruza, Tara

Subject: RE: Facial Recognition Project

Okey doke

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Sent: Friday, January 28, 2011 12:26 PM

To: Birtwell, John

Subject: RE: Facial Recognition Project

How's early next week? And I'm only doing current inmates...unless the sheriff wants to give him all 38,000. Let me know.

From: Birtwell, John

Sent: Friday, January 28, 2011 12:25 PM

To: Sean G. Mullin

Subject: RE: Facial Recognition Project

I will make inquiries. ©

From: Sean G. Mullin [mailto

Sent: Friday, January 28, 2011 12:24 PM

To: Birtwell, John

Cc: 'Sheriff Peter Flynn'; 'Brad Cutting'; 'George Connolly'; 'Talcove, Haywood (LNSSI-DC)'; McDonald, Joseph;

'Walsh, James F (SDA)'

Subject: RE: Facial Recognition Project

Dear John,

That's great news! When can we expect to receive the digital photo files from Tara? We can't proceed without them.

Best wishes,

Sean

Sean G. Mullin
President & CEO
BI2 Technologies
488 State Road
Plymouth, Massachusetts 02360
Office - 00 ext. 17

Fax - 01 Cell - 44

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Fax - 01 Cell - 44

From:

George Connolly

Sent:

Wednesday, June 30, 2010 11:17 AM

To:

Cruza, Tara

Subject: RE: Facial recognition.

Tara;

Attached is my info.

Are we on for tomorrow?

I need to give Sean Doucette some lead time since he is coming down from North Conway, NH.

From: Cruza, Tara [mailto

Sent: Wednesday, June 30, 2010 8:08 AM

To: George Connolly

Cc: Cruz, Amilcar; Sean Doucette **Subject:** RE: Facial recognition.

Hi George.

I need both of you to fill this out. You have to be reapproved every year and I'm not sure when you were last done. Please send them back to me asap.

Capt Cruz, I will send you the list of inmates that I used for the test. Is it possible to get 5 or 6 of them down to booking?

Thanks.

From: George Connolly [mailto

Sent: Tuesday, June 29, 2010 2:31 PM

To: Cruza, Tara

Cc: Cruz, Amilcar; Sean Doucette **Subject:** RE: Facial recognition.

Tara;

We would need only five or six of the test inmates. These inmates must be ones included in the test photos you submitted.

It will be Sean Doucette from Animetrics and me.

We will use Sean's notebook and we will need to get on the internet. It should take no more than an hour. We will perform a recognition of the inmates by snapping their picture and over the internet match it against the database of test images you sent us.

George

From: Cruza, Tara [mailto]

Sent: Tuesday, June 29, 2010 10:31 AM

To: George Connolly **Cc:** Cruz, Amilcar

Subject: RE: Facial recognition.

Hi George.

What is involved in this? How many inmates do you need in booking? Who is coming in to do this test? We will need to clear them first. How long do you think it will take? Please let me know. Thanks.

From: George Connolly [mailto:

Sent: Monday, June 28, 2010 6:09 PM

To: Cruza, Tara

Cc: Smullin@Bi2technologies. Com; Sean Doucette; Richard G. Search

Subject: Facial recognition.

Tara;

We would like to verify that the photos submitted by Plymouth County will allow for actual recognition of the inmates. To do this we would like to come to the jail and do a recognition on some of the test subjects. We would like to do this either Wednesday or Thursday of this week.

Could you let me know what we have to do to get approval to do this and have the subject inmates available to be photographed.

Doing this either Wednesday or Thursday would also put me on site when you run the visitor reset script in case something doesn't work correctly.

George

24 Long Pond Road Plymouth, Ma 02360 Telephone (508) 830-6200 Fax (508)

Plymouth County Sheriff's Department Plymouth County Correctional Facility Authority for Release of Information



George Connolly	, born a		
(Name)	The state of the s	(City, State)	
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George

From:

Birtwell, John

Sent:

Tuesday, June 29, 2010 11:09 AM

To:

Moniz, Antone; Cruza, Tara; Gillen, Brian; Cruz, Amilcar

Subject: RE: Facial recognition.

Hi guys and gal,

A couple of things. First, I think Tara is off next week so that's a bummer.

Second, I'm not sure at this juncture there is an IT component here. If I read this right, George wants to take pictures of some inmates to test his system. Is this something we would do in booking? How many test subjects is some? Can he come and take his pictures and reset stuff at some later point or would we just wait until tara returns?

From: Moniz, Antone

Sent: Tuesday, June 29, 2010 10:02 AM

To: Cruza, Tara; Gillen, Brian; Birtwell, John; Cruz, Amilcar

Subject: RE: Facial recognition.

Tara please work with Captain Cruz to accommodate this request.



Antone Moniz Assistant Superintendent Plymouth County Correctional Facility 26 Long Pond Road

Office: (508)

Fax: (508)

----Original Message-----

From: Cruza, Tara

Sent: Tuesday, June 29, 2010 8:00 AM

To: Moniz, Antone; Gillen, Brian; Birtwell, John; Cruz, Amilcar

Subject: FW: Facial recognition.

Would you like to do this? Please let me know.

From: George Connolly [mailto

Sent: Monday, June 28, 2010 6:09 PM

To: Cruza, Tara

Sean Doucette; Richard G. Search Cc:

Subject: Facial recognition.

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From: George Connolly

Sent: Tuesday, December 21, 2010 1:44 PM

To: Cruza, Tara

Cc: Smullin@Bi2technologies. Com; Richard G. Search; Sean Doucette

Subject: Msa Facial Recognition project.

Tara;

We have been given a deadline of end of day Tuesday 12/28 to have all the historical facial photos and demographics uploaded to the facial recognition FTP site.

In accordance with this deadline could you begin uploading the Plymouth photos and demographic information as soon as possible.

I have been told that counties that have not submitted their photos by then will be deemed non responsive and will not be included in the project in the future unless they pay for any additional services we need to provide to get them started.

We are planning on going live on January 12, 2011 and need time between now and then to allow the Animetrics people to import the photos into the servers.

Should you choose not to submit your photos and demographic information by then, we will deliver the equipment and training necessary for you to access the MSA Facial Recognition system and you may begin enrolling new detainees whenever you choose to participate. Your historical photos will not be included unless you choose to pay for this service at some time in the future.

Thanks George

From: George Connolly [

Sent: Monday, May 02, 2011 3:59 PM

To: Cruza, Tara

Cc: 'Sean G. Mullin'; Birtwell, John

Subject: RE: MSA Facial Recognition System

Yes we are definitely on for May 5 at 10AM.

I will talk to Sean again about the inmate id quote.

From: Cruza, Tara [mailto]

Sent: Monday, May 02, 2011 11:09 AM

To: George Connolly

Cc: Sean G. Mullin; Birtwell, John

Subject: RE: MSA Facial Recognition System

Hi George.

Are we definite for May 5th at 10AM? Please let me know.

Also, did you ever talk to Sean about a quote for the IDs? We are almost out of our current stock of wristbands and we want to move ahead with the ID cards.

Thanks.

Tara

From: George Connolly [mailto

Sent: Monday, April 25, 2011 5:57 PM **To:** Cruza, Tara; Geraghty, Brian

Cc: Birtwell, John; Richard G. Search; Sean Doucette

Subject: RE: MSA Facial Recognition System

2

XXXX

Let's plan on Thursday.

Headcount guess:

Animetrics

Dukes 1

Norfolk 5 (guess)

Plymouth

(your call)

You may want to include some key intake people.

From: Cruza, Tara [mailto

Sent: Friday, April 22, 2011 2:26 PM **To:** George Connolly; Geraghty, Brian

Cc: Birtwell, John

Subject: RE: MSA Facial Recognition System

I think Thursday is better for Norfolk and the rooms are open. How many people do you expect?

From: George Connolly [mailto:

Sent: Friday, April 22, 2011 2:03 PM **To:** Cruza, Tara; Geraghty, Brian

Cc: Birtwell, John

Subject: RE: MSA Facial Recognition System

1/4/1

Tara;

I am going to try to reschedule for the following Wednesday or Thursday May 4 or 5.

We would need a small classroom or conference room with internet connectivity. The session should last no more than 2 hours. I would like to begin at 10 AM and be done before noon.

George

From: [mailto:

Sent: Friday, April 22, 2011 8:54 AM

To: George Connolly; | Cc: BIRTWELL J

Subject: Re: MSA Facial Recognition System

Good morning George

We are trying to coordinate a room and the date for the training. Are we definitely on for the 28th? Do you just need a classroom with no computers in the room? How long do you think it will take. Thank you

From: "George Connolly" <

Date: Thu, 21 Apr 2011 16:44:32 -0400

To: Tom Rieman rg>; Bill Smith rg>

g>; Cruza,

Cc: Peter Perroncello (Ext) n>; Richard G. Search

Sean Doucette m>; es.
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Subject: RE: MSA Facial Recognition System

Tom;

We have rescheduled the MSA Facial Recognition System training for Thursday April 28th.

The training will take place at 10AM at the Plymouth County Sheriff's Department Administration building.

We look forward to seeing you there.

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From: George Connolly [mailto: Sent: Mon 4/18/2011 6:41 PM To: Tom Rieman; Bill Smith

Cc: Peter Perroncello (Ext); 'Richard G. Search' **Subject:** RE: MSA Facial Recognition System

Tom:

We are trying to arrange an MSA Facial Recognition System training session for Imats users at Plymouth on Wednesday April 27th and wanted to check the availability of your people to attend. At this point the date is tentative depending on Plymouth County's willingness to host the training session but we wanted to check on availability and possible suggested alternate dates. Look forward to hearing from you.

George Connolly

From: Tom Rieman [mailto:

Sent: Tuesday, April 12, 2011 7:04 AM

To: George Connolly; Bill Smith

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Sent:

Friday, April 22, 2011 8:11 AM

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Subject: FW: MSA Facial Recognition System

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To: 'Tom Rieman'; 'Bill Smith'

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We are trying to arrange an MSA Facial Recognition System training session for Imats users at

Plymouth on Wednesday April 27th and wanted to check the availability of your people to attend. At this point the date is tentative depending on Plymouth County's willingness to host the training session but we wanted to check on availability and possible suggested alternate dates. Look forward to hearing from you.

George Connolly

From: Tom Rieman [mailto

Sent: Tuesday, April 12, 2011 7:04 AM

To: George Connolly; Bill Smith

Cc: Peter Perroncello (Ext); Richard G. Search **Subject:** RE: MSA Facial Recognition System

Bill,

Please contact George to see what else he needs from us to move forward with this project.

Thank you, Tom

From: George Connolly [mailto:

Sent: Mon 4/11/2011 6:10 PM

To: Tom Rieman

Cc: Peter Perroncello (Ext); Richard G. Search **Subject:** MSA Facial Recognition System

We are about to start up the MSA Facial Recognition System on a real time basis (test phase completed).

Since your organization has not submitted any historical mug shots, we are concerned that you are no longer interested in participating in this project.

Should you wish to be considered for continuing with this project you will need to participate in the last training session scheduled for the remaining IMATS user organizations. This training session, yet unscheduled, will probably be held within the next two weeks and will be at Plymouth County. The version of IMATS that your organization is currently utilizing is no longer supported by BI2 Technologies. Modifications have been made to both the current version of IMATS and to the SIRS application to support ongoing transfer of inmate records to the MSA Facial project. Your application will need to be modified or an ancillary application will need to be developed to accomplish this ongoing record transfer function.

I would appreciate hearing from you on your organization's desire to participate in this project.

From:

George Connolly

Sent:

Thursday, November 18, 2010 2:06 PM

To:

Cruza, Tara

Cc:

Richard G. Search; Sean Doucette

Subject: RE: MSA facial recognition system.

Tara;

Please disregard my previous email about installing on the 23rd.

I just received word from Animetrics that they are not going to be ready with the application.

However please continue with your upload of information to the Animetrics system.

Thanks

George

From: George Connolly [mailto:

Sent: Thursday, November 18, 2010 12:35 PM

To: Tara Cruza (

Cc: Richard G. Search (Sean Doucette

Subject: MSA facial recognition system.

Tara;

As you know, we are planning on installing the MSA Facial Recognition at Plymouth on next Tuesday November 23 and training the users.

We would like to begin at 10 AM to give everyone a chance to drive to Plymouth.

Would you please make arrangements to have the appropriate people on hand that day to receive the system and be trained. It will probably take us an hour to get the system up and operational and we can begin training thereafter.

The deliverables to you are:

An IP camera, which must be installed on one of your booking area PC's.

A small tripod for temporarily mounting the camera.

Instructions for accessing the Facial Recognition Application via the internet.

System documentation.

We need to make sure that the PC on which the camera will be installed can access the internet.

Since we probably won't have any of your mug shot photos and demographic information transferred to the Animetrics system prior to the install, we would like to have you proceed with adding new inmates as they are booked. I am working on changes to the Imats application which will push the demographic information to the Facial Recognition application to avoid the officers having to double enter the inmate demographic information.

The object of this exercise is to get the system installed and have your people kick the tires to see if there are any operational or procedural problems with the system. We will be installing Franklin, Berkshire and Hampshire on November 30.

Please call me or email me with any questions or concerns.

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Please call me or email me with any questions or concerns.

From: Sent:

Tom Rieman [

Wednesday, May 04, 2011 2:49 PM

To:

Cruza, Tara

Subject:

RE: MSA Facial recognition.

I had a guy from booking coming but he's out on Thursday, looks like me and Bill Smith will be there.

----Original Message----

From: Cruza, Tara [mailt mailt ma.org]

Sent: Wednesday, May 04, 2011 2:25 PM

To: Tom Rieman

Subject: RE: MSA Facial recognition.

We are at 24 long pond rd, Plymouth, ma 02360

First main building on the left. Across from the guard shack. No one is in it so just pull right in. go to the main door near the flagpoles and ask communications for me. Who is coming with you? We have some booking people coming. Only makes sense since they will be stuck with it.

----Original Message----

From: Tom Rieman [mailt riffma.org]

Sent: Wednesday, May 04, 2011 2:23 PM

To: Cruza, Tara

Subject: RE: MSA Facial recognition.

Tara, What is the street address of your building? I need to get directions.

----Original Message----

From: Cruza, Tara [mailt mailt ma.org]

Sent: Wednesday, May 04, 2011 12:09 PM

To: Tom Rieman

Subject: RE: MSA Facial recognition.

No. stayed here. Did you go?

----Original Message----

From: Tom Rieman [mail riffma.org]

Sent: Wednesday, May 04, 2011 12:02 PM

To: Cruza, Tara

Subject: Re: MSA Facial recognition.

Are you in Worester today.

Sent from my Verizon Wireless Phone

---- Reply message -----

From: "Cruza, Tara" < or org>

Date: Wed, May 4, 2011 11:33 am

Subject: MSA Facial recognition.

To: "Tom Rieman" < manual manual managema.org>

OK, thanks. I'll see you tomorrow.

From: Tom Rieman [mailt iffma.org]

Sent: Wednesday, May 04, 2011 11:14 AM

To: Cruza, Tara Cc: George Connolly

Subject: RE: MSA Facial recognition.

Tara, the count is 2 not 3.

From: Tom Rieman

Sent: Wednesday, May 04, 2011 9:48 AM

To: 'Cruza, Tara' Cc: 'George Connolly'

Subject: RE: MSA Facial recognition.

Tara,

There will be 3 people from the NCSO.

From: George Connolly [mailt

Sent: Wednesday, May 04, 2011 8:13 AM To: Tom Rieman; Tara Cruza; Chris Graham

Cc: Richard G. Search; Sean Doucette; Peter Perroncello (Ext); John

Birtwell

Subject: MSA Facial recognition.

Just a reminder that the MSA Facial Recognition System training session is tomorrow (Thursday) 10AM at the Plymouth County Sheriff's Department Administration Building.

Please ask for Tara Cruza when you arrive.

Please confirm your attendance and the expected number of attendees from your organization by return email.

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Talk to you tomorrow.

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From:

Tom Rieman [

Sent:

Wednesday, May 04, 2011 12:13 PM

To:

Cruza, Tara

Subject:

Re: MSA Facial recognition.

No to much going on here. And it my first day back....bad allergies.

Sent from my Verizon Wireless Phone

---- Reply message -----

From: "Cruza, Tara" < org>

Date: Wed, May 4, 2011 12:08 pm

Subject: MSA Facial recognition.

To: "Tom Rieman" < ma.org>

No. stayed here. Did you go?

----Original Message----

From: Tom Rieman [mail riffma.org]

Sent: Wednesday, May 04, 2011 12:02 PM

To: Cruza, Tara

Subject: Re: MSA Facial recognition.

Are you in Worester today.

Sent from my Verizon Wireless Phone

---- Reply message -_---

From: "Cruza, Tara" < org>

Date: Wed, May 4, 2011 11:33 am Subject: MSA Facial recognition.

To: "Tom Rieman" < figure fma.org>

OK, thanks. I'll see you tomorrow.

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Talk to you tomorrow.

From: Dougenik, Deborah

Sent: Wednesday, May 04, 2011 1:36 PM

To: Cruza, Tara

Subject: RE: MSA Facial recognition.

0



Debbie Dougenik
Executive Assistant/Superintendents Office
Plymouth County Sheriff's Department
26 Long Pond Road
Plymouth, MA 02360
Phone:

From: Cruza, Tara

Sent: Wednesday, May 04, 2011 1:30 PM

To: Dougenik, Deborah

Subject: RE: MSA Facial recognition.

Poor guy.

From: Dougenik, Deborah

Sent: Wednesday, May 04, 2011 1:30 PM

To: Cruza, Tara

Subject: RE: MSA Facial recognition.

Just Doug



Debbie Dougenik
Executive Assistant/Superintendents Office
Plymouth County Sheriff's Department
26 Long Pond Road
Plymouth, MA 02360

Phone:

From: Cruza, Tara

Sent: Wednesday, May 04, 2011 1:13 PM

To: Dougenik, Deborah **Cc:** Birtwell, John

Subject: FW: MSA Facial recognition.

Do you know how many people are coming from booking? Is anyone else coming besides IT?

From: George Connolly [mailto

Sent: Wednesday, May 04, 2011 12:22 PM

To: Cruza, Tara

Subject: RE: MSA Facial recognition.

Tara;

Best guess is 1 hour to 1½ hours. No plans for lunch necessary everyone will be on their own.

How many attendees from Plymouth?

George

From: Cruza, Tara [mailto

Sent: Wednesday, May 04, 2011 11:40 AM

To: George Connolly

Subject: RE: MSA Facial recognition.

Hi George.

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Thanks.

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Talk to you tomorrow.

From:

Birtwell, John

Sent:

Wednesday, May 04, 2011 8:35 AM

To:

Moniz, Antone; Cruza, Tara

Subject: FW: MSA Facial recognition.

Can and will do. Brian has confirmed on the room.

From: Moniz, Antone

Sent: Wednesday, May 04, 2011 8:22 AM

To: Lawton, Robert

Cc: Gillen, Brian; Birtwell, John; Cruza, Tara

Subject: FW: MSA Facial recognition.

Can you contact Tara and advise her of those who will attend.



Antone Moniz

Assistant Superintendent

Plymouth County Correctional Facility

26 Long Pond Road

Office: (508)

Fax: (508)

----Original Message-----

From: Cruza, Tara

Sent: Wednesday, May 04, 2011 8:17 AM

To: Dougenik, Deborah; Gillen, Brian; Moniz, Antone

Subject: FW: MSA Facial recognition.

Someone from booking should definitely attend.

Thanks.

From: George Connolly [mailto

Sent: Wednesday, May 04, 2011 8:13 AM

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I took care of it yesterday.



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Talk to you tomorrow.

From: George Connolly [

Sent: Friday, June 10, 2011 5:58 PM

To: John Clevenger; John Staelens; Cruza, Tara; Chris Graham

Subject: MSA facial system

I was curious if anyone has yet downloaded and tested the latest version of IMATS and attempted to use the Facial Recognition function. Any feedback would be very helpful.

Thanks

From:

George Connolly

Sent:

Monday, January 03, 2011 8:36 PM

To:

Dave Marescalchi;

Cruza, Tara; John Clevenger; Thomas Rieman;

John Staelens; Chris Graham

Cc:

Sean Doucette; Richard G. Search;

Bill Hoffman;

Subject: MSA Facial System

Hello All;

Hope everyone had a happy holiday season and is ready to get back to work on the MSA Facial Recognition System.

As a reminder of previous emails:

We are planning on installing the MSA Facial Recognition servers at Essex County on Tuesday January 11, 2011 and doing the training for the SIRS clients at Essex on Wednesday January 12. We will be distributing the cameras and other items necessary to operate the system at that time.

We are asking Barnstable, Essex and Worcester counties to make arrangements for the appropriate people from their organizations to attend on the 12th. We will begin the training at 10 AM.

The SIRS export of your images from SIRS to the facial system has been completed and the images are being imported into the facial system at this time.

SIRS will be activating the new version of SIRS containing the interface to the facial application on the 12^{th} .

The MSA Facial System will be available for use as of beginning of day January 13th. Remember you must submit facial records for the period of time between your last submission and the date you begin using the facial system for current bookings.

If your Jail Management system does not have an interface programmed to transfer records to the MSA Facial Recognition system, you may begin using the system by manually entering the inmate demographic information into the enrollment screen of the system.

If your organization needs training on this system please contact me to arrange for it.

From: George Connolly

Sent: Thursday, January 20, 2011 1:07 PM

To: Cruza, Tara

Subject: RE: MSA Facial system.

Yes, he did mention the camera. I had to put that aside to finish up the facial system but I am moving it back up the priority list to #1.

From: Cruza, Tara [mailto]

Sent: Thursday, January 20, 2011 12:57 PM

To: George Connolly

Subject: RE: MSA Facial system.

I just have to run the script again because the data is old. Did he talk to you about the camera? Is that almost ready to go? We need something asap.

Thanks.

From: George Connolly [mailto

Sent: Thursday, January 20, 2011 12:56 PM

To: Cruza, Tara

Subject: MSA Facial system.

Tara:

Sean Mullin has signed and delivered a non disclosure statement to the Plymouth County Sheriff's Department. This should clear the obstacles for your uploading your mug shot photos to the MSA Facial server.

Please let me know what your plans are for uploading the images.

I also have to make arrangements to deliver the equipment and training for your organization.

Thanks

From:

George Connolly

Sent:

Thursday, January 20, 2011 12:56 PM

To:

Cruza, Tara

Subject: MSA Facial system.

Tara;

Sean Mullin has signed and delivered a non disclosure statement to the Plymouth County Sheriff's Department. This should clear the obstacles for your uploading your mug shot photos to the MSA Facial server.

Please let me know what your plans are for uploading the images.

I also have to make arrangements to deliver the equipment and training for your organization.

Thanks

Lee, Patrick

FAIAL RECOGNITION

From:

Birtwell, John

Sent:

Tuesday, January 11, 2011 2:43 PM

To:

Lee, Patrick

Subject: FW: Signed Non-Disclosure Agreement

From: Sean G. Mullin [mailto]

Sent: Tuesday, January 11, 2011 2:39 PM

To: Birtwell, John

Cc:

'Walsh,

James F (SDA)'; 'George Connolly'; Cruza, Tara Subject: Signed Non-Disclosure Agreement

Dear John,

Attached please find the signed Non-Disclosure required to proceed with the Plymouth County Sheriff's Department's participation in the MSA Facial Project. Bri Blakeman will be hand delivering the original for PSCD's files today.

If possible, could you please let Tara know that she can now proceed with the downloading of the photos for conversion. Tara can, of course, feel free to contact George Connolly if she has any questions about the scripts to accomplish this that were provider a while back.

Thanks again for your assistance and best wishes,

Sean

Sean G. Mullin President & CEO **BI2 Technologies** 488 State Road Plymouth, Massachusetts 02360 Office -00 ext. 17 Fax -

Cell -

AGREEMENT OF NON-DISCLOSURE

I, SEAN G. MULLIN	of	BIZ TECHNOLOGIES
(Printed Name	2)	(Printed Agency Name)
acknowledge that I understa	nd the provisions of Ma	ssachusetts General Laws,
Chapter 6, Sections 177-178	3 which provide that it is	a criminal offense to willfully
disclose to any unauthorized	I person or agency any	criminal offender record information
concerning any individual or	to willfully falsify any cri	minal offender record information. I
further understand that I am (\$5,000.00)	subject to a fine of not r	nore than five thousand
dollars, or imprisonment in a	jail or house of correcti	on for not more than one (1) year,
or both, for any willful disclos	sure to any unauthorized	d person or agency of any criminal
offender record information,	or for any willful falsifica	ation of any criminal offender
record information.		
(1) Name: SEAN	GERARD MULLIN	
	(First, Middl	e, Last)
(2) Business / Agency Name:	BIZ TEXHNOLOGIES, I	irst, Middle, Last)
(3) Business / Agency Address:	488 STATE ROAD	
	PLYMOUN, MA OZ	at No, Apt. No. and Street)
(4) Telephone: Area Code (\$\frac{5}{2}\$, Town, State, Zip Code)
SIGNATURE:		DATE: /- /-//
SEAN G. HI	nrin	
presideut.	a ceo	·

FILE: Individual Institutional Case File



10-16-19-NO NEED FOR LEGAL APPROVAL
RIMATSTM PER
J. Finnerty

ANNUAL MAINTENANCE AGREEMENT AND TERMS AND CONDITIONS FOR IMATS™

SOFTWARE MAINTENANCE AND SUPPORT

All Software Maintenance and Support for IMATS™ is provided subject to the following Standard Terms and Conditions. These provisions set forth are only obligations of BI2 TECHNOLOGIES regarding IMATS™ Software Maintenance and Support. For purposes of this Agreement, "PCSD" shall refer to the Plymouth County Sheriff's Department IMATS™ Maintenance and Support hereunder.

I. BI2 TECHNOLOGIES IMATS SOFTWARE MAINTENANCE SERVICES

- 1. Unlimited use of BI2 TECHNOLOGIES' online and telephone support Monday through Friday 9:00 AM to 5:00 PM eastern time, excluding national and state holidays, to receive technical assistance and/or general consultation with regard to IMATS™ software PCSD has licensed from BI2 TECHNOLOGIES and for which PCSD has elected to purchase Maintenance and Support (the "Covered Software").
- 2. BI2 TECHNOLOGIES will repair any material defect found in the programming code of the IMATS™ Software identified during the Maintenance and Support period at no cost to PCSD. IMPORTANT NOTE: BI2 TECHNOLOGIES, in its sole discretion, shall determine whether the programming code is materially defective.
- 3. As they become available, BI2 TECHNOLOGIES will make available, at no cost to PCSD, new versions, updates and/or enhancements to current versions of the IMATS™ Software. If new versions, updates and/or enhancements are determined to require more advanced or larger capacity equipment and/or third party software, such equipment and software compatibility shall be PCSD's sole responsibility.
- 4. As they become available, BI2 TECHNOLOGIES will make available updates and enhancements to existing documentation.
- 5. BI2 TECHNOLOGIES will take all reasonable steps to correct defects in the IMATS™ Software that are directly attributable to programming if BI2 TECHNOLOGIES, in its sole discretion, recognizes them as having a materially detrimental effect on the performance of the IMATS™ Software.

II, CHARGES

1. The Annual Maintenance period for Plymouth County begins on March 1st for each annual period.

- 2. The initial Annual Maintenance fee is based upon an eighteen (18%) of the purchase price of the IMATS™ Software. The cost to PCSD for the first annual period is \$10,800. Renewal fees are calculated annually for a one (1) year period and may be subject to an inflationary adjustment defined at the time of renewal. If an increase is anticipated, BI2 TECHNOLOGIES must notify PCSD, in writing, at least sixty (60) days in advance of any proposed increase in the annual Maintenance Fee.
- 3. Annual Maintenance Fees are payable in advance. Failure to give at least thirty (30) days notice of intention not to renew the Maintenance contract will result in automatic renewal and PCSD will be liable for an additional year's charges.
- 4. Charges do not include charges related to third party software programs, which may be required to run the IMATS™ Software. PCSD may be required to pay separately for any upgrades in such third party program.

III. EXCLUSIONS FROM BI2 TECHNOLOGIES SOFTWARE MAINTENANCE SERVICE

The following is expressly excluded from the terms of this Agreement:

Provision, installation and/or support of new versions and/or enhancements to current versions of non-BI2 TECHNOLOGIES software. Non-BI2 TECHNOLOGIES software includes, but shall not be limited to, operating system software, word processing, spreadsheet, reporting and/or database software.

Upgrading any hardware and memory on the system on which PCSD's uses the IMATS™ Software.

If PCSD is using BI2 TECHNOLOGIES products that require a common database, PCSD must remain current on Maintenance for all products for as long as the IMATS™ Software is in use in order to assure the integrity of PCSD's IMATS™ Software. Cancellation of Maintenance on any one system may cause incompatibilities with related products, and performance of all IMATS™ Software could be adversely affected.

Repair of the IMATS™ Software if BI2 TECHNOLOGIES determines the failure is related to:

- (a) the equipment or supplies PCSD are using;
- (b) misuse or neglect of the IMATS™ Software;
- (c) anyone other than a member of BI2 TECHNOLOGIES 's staff making any alteration to the Covered Software or to the system files which may affect the IMATS™;
- environmental conditions, including, but not limited to, insufficient, excessive, or irregular electrical power, failure of air conditioning, excessive heat or humidity, flood, water, wind or lightening;
- (e) use of the IMATS™ Software for purposes other than those for which it was expressly designed; and/or, and/or,

(f) the relocation or reinstallation of the IMATS™ Software.

BI2 TECHNOLOGIES reserves the right to charge additional support fees at its then standard rates for services performed in connection with reported incidents that are later determined to have been due to hardware or software not supplied by BI2 TECHNOLOGIES. Notwithstanding the foregoing, BI2 TECHNOLOGIES has no obligation to perform support services in connection with issues resulting from hardware or software not supplied by BI2 TECHNOLOGIES.

IV. SOFTWARE MODIFICATIONS

Any modifications that PCSD makes to the IMATS™ Software, including any modifications to any third party licensed software included with or embedded in the Software, will render any Maintenance or Warranty obligations contained in this Agreement null and void. BI2 TECHNOLOGIES will not be liable, in any respect, for any such modifications or any errors, losses or damage resulting from such modifications. BI2 TECHNOLOGIES has no other responsibilities with respect to Maintenance other than those specified in this Section and will not be responsible for maintaining other than the most current, unaltered release of the Software.

V. DISCLAIMER OF WARRANTIES; LIMITATION OF LIABILITY

NO WARRANTIES: BI2 TECHNOLOGIES DOES NOT AND CANNOT WARRANT THE PERFORMANCE OR RESULTS OBTAINED BY PCSD IN USING THE SOFTWARE, THAT THE SOFTWARE WILL MEET PCSD'S REQUIREMENTS, OR THAT THE OPERATION OF THE SOFTWARE WILL BE UNINTERRUPTED OR ERROR FREE. THE SOFTWARE IS LICENSED "AS IS" AND THE MAINTENANCE SERVICES PROVIDED HEREUNDER SHALL BE PERFORMED IN A WORKMANLIKE MANNER. BI2 TECHNOLOGIES EXPRESSLY DISCLAIMS ANY AND ALL OTHER WARRANTIES WITH RESPECT TO THE SOFTWARE AND SERVICES, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

LIMITATION OF LIABILITY. IN NO EVENT WILL BIZ TECHNOLOGIES BE LIABLE FOR ANY LOSS OF PROFITS OR REVENUE, LOSS OF USE, BUSINESS INTERRUPTION, LOSS OF DATA, COST TO COVER OR OTHER INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF THE DELIVERY OF MAINTENANCE SERVICES OR ANY DELAY IN DELIVERY OF THE MAINTENANCE SERVICES. BIZ TECHNOLOGIES'S MAXIMUM AGGREGATE LIABILITY (WHETHER IN CONTRACT OR IN TORT OR UNDER ANY OTHER FORM OF LIABILITY) FOR DAMAGES OR LOSS, HOWSOEVER ARISING OR CAUSED, SHALL IN NO EVENT EXCEED THE AMOUNT ACTUALLY PAID BY PCSD FOR THE RELEVANT MAINTENANCE SERVICES GIVING RISE TO THE LIABILITY.

VI. GENERAL

1. Delivery of any Maintenance service to PCSD by BI2 TECHNOLOGIES is subject to conditions beyond the control of BI2 TECHNOLOGIES or its agents, including but not limited to, Acts of God, acts of any public enemy, fire, flood, epidemic or quarantine restrictions, strikes, riots or civil commotion, freight or other

- embargoes, weather conditions or any failures by BI2 TECHNOLOGIES 's subcontractors or suppliers.
- 2. BI2 TECHNOLOGIES will provide PCSD with an electronic version copy of the source code for the IMATS™ software currently operating at PCSD. BI2 TECHNOLOGIES will provide the source code initially, and within a reasonable period of time following any major revision or release to the source code has been completed. It is understood and agreed by PCSD that this source code is for PCSD's use only. PCSD may not transfer, give, sub-license, sell, rent, lend or lease any portion of the IMATS™ Software. PCSD may not translate or create derivative works based on the IMATS™ Software. PCSD may, however, use the source code in its internal operations as its deems appropriate.
- 3. PCSD may cancel maintenance by giving notice at least 30 days notice in advance of the annual period renewal date. Cancellations will become effective on the renewal date. No credit will be given for partial Maintenance periods.
- 4. If PCSD allows PCSD's Maintenance coverage to lapse, PCSD may purchase telephone and/or email support for currently supported software versions of IMATS™ on an as-needed basis.
- 5. Telephone and/or email support is billed at \$200 per hour, with a minimum charge of one hour. After the first hour, support is billed in 15-minute increments of \$50.00 each. Software updates and access to the Support web site are not available without Maintenance.
- 6. Reinstatement of lapsed Maintenance will require full payment of Maintenance fees that would have been due from the expiration of the last active Maintenance period through the reinstatement date, plus a 15% administrative surcharge. Payment of the applicable amount for the current Maintenance period will be due upon reinstatement. This reinstatement policy applies if Maintenance has been cancelled or there is otherwise a lapse in Maintenance coverage, such as for nonpayment of fees. Upon reinstatement, PCSD will receive the latest version of the IMATS™ software.
- 7. The laws of the Commonwealth of Massachusetts shall govern all provisions of this agreement.

	For the Plymouth County Sheriff's Office: John Finnerly, Director of Administration
	Name and Title 1 and Finance
	Smylly blidson
	signature Date:
	For BI2 TECHNOLOGIES Technologies: Sean G. Mullin, President Name and Title
	Name and Tide
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Signature

Date: February 25, 2009