



Laura Rótolo
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October 21, 2010

James F. Walsh, Executive Director
Massachusetts Sheriff's Association
271 Cambridge St., Suite 202
Cambridge, MA 02141

Re: Public Records Request, G.L. c. 66 § 10

Dear Mr. Walsh:

Thank you for your response to our request for documents this past summer. I appreciate your cooperation in getting us the documents, which were very instructive.

The documents you previously provided helped us better understand the existing facial recognition technology and the funding around this program. We have some follow-up questions that this request hopes to address. We are specifically interested in learning more about the facial recognition system that is currently in place and being expanded to other counties.

This letter constitutes a request under the Public Records Law, Mass. Gen. Laws ch. 66, §10 for documents in the possession of the Massachusetts Sheriff's Association ("MSA").

Documents requested:

1. Any and all documents concerning the use of any Facial Recognition Technology ("FRT") system by any federal, state, county, or municipal law enforcement office or agency in Massachusetts, including but not limited to such use by any Sheriff's Department. This request includes, but is not limited to, any users' manuals, training materials, standard operating procedures and/or technical specifications.
2. Any and all documents concerning the Project Implementation Plan referenced in the second paragraph of your letter dated July 12, 2010 (enclosed herewith).

3. Any and all documents concerning “the upgrade of an existing Facial Recognition Technology (FRT) program at the Essex County Sheriff’s Department and expansion of it into the other Massachusetts Sheriffs’ jurisdictions,” as referenced in the third paragraph of your July 12, 2010 letter, including but not limited to any proposals, evaluations, agreements, evaluation reports, correspondence, and notes.
4. Any and all documents concerning the MSA’s “Law Enforcement Information Sharing Network,” including but not limited to any documents describing the three-county network designed to share information among Essex, Barnstable and Berkshire counties, and any documents describing any and all plans to implement such an information-sharing system in additional counties.
5. Any and all agreements of any kind between the MSA on the one hand, and the Commonwealth Fusion Center, the Boston Regional Intelligence Center, or any agency of the federal government, on the other hand, to share information.
6. Any and all documents regarding the “Project Kick-Off Meeting” on May 12, 2010 in Auburn, MA, referenced in your July 12, 2010 letter, including but not limited to any and all programs, agendas, lists of attendees or participants, meeting notes, handouts, materials, and any other documents used during or in preparation for the meeting.
7. Any reports or documents sent from the MSA to the Department of Justice concerning the implementation of the COPS grant referenced in the fourth paragraph of your July 12, 2010 letter.
8. Any and all documents concerning the MORIS system not identified or produced in response to our public records request of June 17, 2010.
9. Any and all documents concerning BI2 Technologies that were not identified or produced in response to our public records request of June 17, 2010.

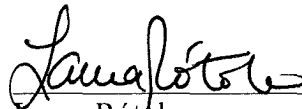
Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any copying costs pursuant to 950 C.M.R. § 32.06(5). ACLUM is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state’s affiliate of the American Civil Liberties Union, ACLUM is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive copying costs, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to photocopy.

Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions. As you know, Mass. Gen. Laws c. 66 § 10 requires a custodian of public records to comply with a request within ten days of receipt.

Thank you for your assistance. I look forward to your response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Rótolo", written over a horizontal line.

Laura Rótolo
ACLUM Staff Attorney



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July 12, 2010

Laura Rotolo
Staff Attorney
American Civil Liberties Union
Foundation of Massachusetts
211 Congress Street
Boston, Massachusetts 02110

Dear Ms. Rotolo:

Thank you for your patience while awaiting receipt of this written response to your correspondence of June 17, 2010. This communication follows our telephone conversation of Thursday, July 08.

To begin, I am confirming via this response my telephone statement to you on July 08 concerning your reference in your noted correspondence of June 17 to the MORIS (Mobile Offender Recognition and Identification System) component and the demonstration of it on June 14, 2010: Specifically, I am confirming my statement during our conversation that I have conducted only conceptual and contemplative discussions with BI2 Technologies regarding *prospective* addition of the MORIS component to the BI2 Technologies-MSA contracted scope-of-services involved with an on-going federally funded expansion of an existing Essex County Facial Recognition Technology (FRT) program into the other Massachusetts Sheriffs jurisdictions. Additionally, I am confirming via this written response that I have had only discussions concerning this prospective addition, and, as of this date, the Massachusetts Sheriffs' Association (MSA) has NOT executed a Contract amendment by written or verbal means with BI2 Technologies to add the noted MORIS component to our intended Project Implementation Plan.

For your further edification, this noted on-going Project entails the upgrade of an existing Facial Recognition Technology (FRT) program at the Essex County Sheriff's Department and expansion of it into the other Massachusetts Sheriffs' jurisdictions. It will also entail networking into two (2) to-be-selected police departments per county.

Funding of this upgrade and expansion is by means of a federal Grant (aka award) from the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) in the DOJ's Bureau of Justice Assistance. It is a one-time non-hiring all-technology award of \$222,134; we have set-aside approximately ten-percent for in-direct costs, including charge-back expenses assessed by the Commonwealth of MA Office of the State Comptroller. The balance of approximately \$202,000 constitutes the available Project budget for the noted upgrade and expansion. No MSA or other State funds are being applied to this effort.

Attorney Laura Rotolo
American Civil Liberties Union
Foundation of Massachusetts

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Additionally, in response to your request No. 3, I am enclosing a copy of an executed Goods and Services Agreement dated March 29, 2010 between the Massachusetts Sheriffs' Association and BI2 Technologies, LLC., and a copy of a Project Implementation Plan and Payment Schedule for Upgrade and Expansion of Facial Recognition System for the Massachusetts Sheriffs' Association dated March 29, 2010.

In your request No. 4 of June 17, you ask for:

"Any document that includes a description of the databases to which the MORIS system will have access."

The MSA does not possess any such document specific to the noted MORIS system.

In your request No. 5 of June 17, you ask for:

"Any document that includes a description of the database or location where images, iris scans, fingerprints, or other biometric information created and uploaded using the MORIS system will be sent."

A Project Kick-Off Meeting on May 12, 2010 in Auburn, MA included a discussion of the approach and method that will be undertaken to construct a statewide facial image database. This discussion did not include any reference to the MORIS system. Your request, however, seeks information that the MSA considers privileged and directly related to the secure operations of county corrections facilities; the disclosure of information in response to your request No. 5 might prejudice the possibility of effective law enforcement and, as such, disclosure would not be in the public interest. Please see M.G.L. c.4, ss 7 cl. Twenty-sixth (f).

In your request No. 6 of June 17, you ask for:

"Any documents that include technical descriptions or technical specifications of 2D – 3D facial recognition technology which will be used, including any."

A Project Kick-Off Meeting on May 12, 2010 in Auburn, MA included a discussion of the approach and method that will be undertaken to construct a statewide facial image database. This discussion did not include any reference to the MORIS system. Your request, however, seeks information that the MSA considers privileged and directly related to the secure operations of county corrections facilities; the disclosure of information in response to your request No. 6 might prejudice the possibility of effective law enforcement and, as such, disclosure would not be in the public interest. Please see M.G.L. c.4, ss 7 cl. Twenty-sixth (f).