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June 17, 2010

Sheriff Joseph D. McDonald, Jr.
Plymouth County Sheriff's Department
24 Long Pond Road
Plymouth, MA. 02360

Dear Sheriff McDonald:

This letter constitutes a request under the Public Records Law, Mass. Gen. Laws ch. 66, §10 for documents made or received by Plymouth County. The request is made on behalf of the American Civil Liberties Union Foundation of Massachusetts ("ACLUM").

This request seeks documents relating to the recently-unveiled MORIS system. On June 14, 2010, the Brockton Police Department announced that it would be implementing a "first-of-its-kind in the world" mobile wireless multi-modal biometric offender recognition and information system (MORIS), funded by a grant from the Plymouth County Sheriff's Office and the Massachusetts Sheriff's Association.

According to the City of Brockton's press release, the system will enable police officers to capture human iris and facial information and compare these to existing databases. A news report suggests that the system will be used on Apple iPhones and that cities and police departments intend to expand this system to include a more extensive use of biometric information, including electronically recorded fingerprints.¹

This system is set to be made available to all 14 sheriff's departments and up to 28 police departments in the future.

Because a system like this has never been deployed by local police departments, there are many questions relating to how its use may impact individual rights. Our purpose in writing is to obtain basic information about the funding for this project, the

¹ Maureen Boyle, "Brockton police to use cutting-edge facial recognition system," The Enterprise, June 14, 2010, http://www.enterpriseneews.com/news/cops_and_courts/x1602635896/Brockton-police-to-use-cutting-edge-facial-recognition-system

databases that will be used for purposes of comparison and the retention and sharing of captured images and scans.

Documents requested:

1. Any documents describing the funding source for the deployment of the MORIS system in Brockton, Plymouth County or any other city, town or county in Massachusetts, including requests for proposals, grant applications and grant approval documents.
2. A copy of any contract between BI² Technologies and the City of Brockton, the Brockton Police Department, the Plymouth County or any other city, town or entity in Massachusetts.
3. Any document that includes a description of the databases to which the MORIS system will have access.
4. 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.
5. Any documents including technical descriptions or technical specifications of 2D – 3D facial recognition technology which will be used, including any.

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, a custodian of public records shall comply with a request within ten days after receipt.

We have made a similar request for records to the Brockton Police Department and the Massachusetts Sheriffs' Association.

Please reply to this request to by contacting Laura Rótolo at (617) 482-3170 x311 or through email at lrotolo@aclum.org.

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

Sincerely,

A handwritten signature in cursive script that reads "Laura Rótolo". The signature is written in black ink and is positioned above a horizontal line.

Laura Rótolo
ACLUM Staff Attorney