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The Commonwealth of Massachusetts

Department of State Police

Office of the Chief Legal Counsel

470 Worcester Road

Framingham, Massachusetts 01702

October 31, 2019

Mr. Emiliano Falcon
Technology and Civil Liberties Policy Counsel
Technology for Liberty Program
American Civil Liberties Union of Massachusetts
211 Congress Street
Boston, MA 02110

RE: PUBLIC RECORDS REQUEST

Dear Mr. Falcon:

The Massachusetts Department of State Police ("Department") has received your request for records relating to "the use of facial-recognition technology by Massachusetts State Police." As a preliminary matter, please be advised that the Department has no documents responsive to Part I, requests #1 and #2. It is important to note that the Department does not catalog potential identifications "made in whole or in part based on or as a result of the assistance of facial recognition technology" any differently from other potential leads that warrant further investigation.

With respect to Part I request #3, it should be noted that the Department utilizes the Massachusetts Registry of Motor Vehicles ("RMV") facial recognition technology. Therefore, all training is conducted by the RMV and all training materials with respect to the RMV technology are in the care, custody, and control of the RMV and any training materials would have to be obtained by submitting a public records request to that agency. The Department does have access to facial recognition technology through the COPLINK platform but none of those training materials are responsive to this portion of your request. Training materials will be provided in response to Part I, request #7 (see below).

With regard to Part I request #4, the Commonwealth Fusion Center has recently finalized a Standard Operating Procedure for the use of the RMV facial recognition system. This document will be provided in redacted form as much of the information contained relates to investigative techniques and is exempt pursuant to M.G.L. chapter 4, section 7, clause 26(f) and (n).

The Department does not have any responsive documents for Part I request #5 given that the RMV's facial recognition technology was not purchased by the Department. The

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Department does have access to facial recognition technology through the COPLINK platform, but that technology was provided as a free upgrade to the Department thus no purchase was made.

As for Part I request #6, while the Department does have limited audit capabilities with respect to the COPLINK database, it does not have any responsive documents for this portion of your request. As with Part I, requests #1 and #2, the Department does not catalog potential identifications "made in whole or in part based on or as a result of the assistance of facial recognition technology" any differently from other potential leads that warrant further investigation.

Regarding Part I request #7, the Department has identified some training materials responsive to this request. Please note that certain portions of these records have been redacted pursuant to G.L. c 4, sec. 7, cl 26(c)(data relating to specifically named individuals), (f) (investigative exemption), and (n)(policies and procedures related to the security and safety of persons). These portions of the records pertain to investigative techniques and contain personally identifiable information of certain individuals and are therefore exempt from public disclosure.

Part II, #1 of your request also seeks policies and procedures similar to Part I, #4. As previously stated, the Commonwealth Fusion Center has recently finalized a Standard Operating Procedure for the use of the RMV facial recognition system. This document will be provided in redacted form as much of the information contained relates to investigative techniques and is exempt pursuant to M.G.L. chapter 4, section 7, clause 26(f) and (n).

As for Part II, #2, the Department has identified a Memorandum of Agreement (MOA) between the Department and the RMV. While that document was created in 2005, it has been released to your organization previously and will be included in this response as a courtesy. Please note that Sections C & D (page 3), Section G, Paragraph 4 (page 5), and Section H (pages 5 & 6) have been redacted pursuant to G.L. c 4, sec. 7, cl 26(f) (investigative exemption) and (n)(policies and procedures related to the security and safety of persons). These portions of the MOA pertain to investigative techniques and are therefore exempt from public disclosure because disclosure would be prejudicial to effective law enforcement.

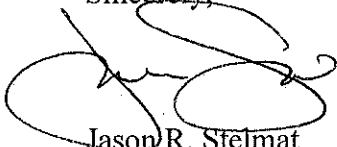
With respect to Part II, #3 and #4, the Department will continue to research the request regarding "communications" and will provide a response separately.

If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which is available at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/>. You may also file a civil action in accordance with M.G.L. c. 66, § 10A.

Your attention to this matter is greatly appreciated.

Mr. Emiliano Falcon
October 31, 2019
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Sincerely,

A handwritten signature in black ink, appearing to read 'Jason R. Stelmat', with a large, stylized initial 'J' and 'S'.

Jason R. Stelmat
Privacy Officer
Commonwealth Fusion Center
(978) 451-3752