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October 21, 2010

Frank G. Cousins, Jr.
Sheriff of Essex County
20 Manning Road
Middleton, MA 01949

Dear Sheriff Cousins:

This letter constitutes a request under the Public Records Law, Mass. Gen. Laws ch. 66, §10 for documents in the possession of Essex County or the Sheriff of Essex County.

We have recently learned that Essex County uses a system of Facial Recognition Technology (FRT), which links police officers to jails through photographs of offenders. We have also recently learned that through a grant from the federal government, this system is being expanded to other counties.

As this expansion happens, we would like to learn more about the FRT system. This request is designed to gather basic information about how the system works and how it operates in relation to other jurisdiction.

Documents requested:

1. Any and all documents concerning the use of any Facial Recognition Technology ("FRT") system by the Essex County Sheriff's Department, including but not limited to any users manuals, training materials, standard operating procedures and/or technical specifications.
2. Any and all documents concerning the upgrade of any FRT program at the Essex County Sheriff's Department and/or expansion of such program to the other Massachusetts Sheriffs' jurisdictions, including but not limited to any proposals, evaluations, agreements, evaluation reports, correspondence, and notes.

3. Any and all agreements or memoranda of understanding between the Essex County Sheriff's Department and the Massachusetts Sheriffs' Association regarding FRT and/or any information-sharing system.
4. Any and all agreements or memoranda of understanding between the Essex County Sheriff's Department 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.

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.

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

Sincerely,



Laura Rótolo
ACLUM Staff Attorney