Town of Marion

Police Department

John B. Garcia
Chief of Police

April 7, 2020

Via e-mail

Dear Emiliano Falcon:

On April 6, 2020, we received your request pursuant to the Massachusetts Public Records Law for the following records:

1. All communications, including text messages and emails, between or among any staff member or representative of the police department and any representative of any company that manufactures or sells any facial recognition product, including but not limited to Clearview AI;
2. All internal communications, including text messages and emails, referencing any company that manufactures or sells any facial recognition product or service, including but not limited to Clearview AI;
3. Records evidencing or describing any existing or potential relationship between the police department and all companies that manufacture or sell any facial recognition product, including but not limited to Clearview AI. These records include but are not limited to MOUs, purchase orders, RFPs, licensing agreements, invoices, non-disclosure agreements, project proposals, and other contracts;
4. Records referencing the operational effectiveness or accuracy rate of any of facial recognition service or product. These records include but are not limited to e-mails, handouts, PowerPoint presentations, advertisements, audits, and specification documents;
5. Training materials related to facial recognition products or services;
6. Policies and procedures pertaining to the use of facial recognition products or services, or the data they produce; and
7. Records relating to any public process, meeting, or debate about any facial recognition products or services. These include but are not limited to meeting agendas or minutes, public notices, analyses, and communications between the police department and elected officials.

With respect to your request, the Department intends to provide the following requested records in a complete and unredacted format:

- Generic e-mail communications sent from manufacturers or representatives of companies that manufactures or sells facial recognition products. These e-mails were received by Members of the Marion Police Department.

With respect to your request of items numbered 2 through 7, please be advised that this Department does not have possession, custody or control of the records requested outside of the records described above. The mandatory disclosure provision of the Public Records Law only applies to information that is in the custody of the Department at the time the request is received. As a result, there is no obligation for a Department to create a record for a requester to honor a request. See G.L. c. 4, section 7(26) (defining "public records" as materials which have already been "made or received" by a public entity); see also 32 Op. Att'y Gen. 157, 165 (May 18, 1977) (custodian is not obliged to create a record in response to a request for information); see also A Guide to the Massachusetts Public Records Law, Secretary of the Commonwealth, Division of Public Records, p. 7 (January 2013) (hereinafter Public Records Guide). As a result, the Department in unable to respond to your request for the documents requested in items 2 through 7.

The Department has waived any associated fees due to the disclosure of the requested record being in the public interest.

Please be advised that pursuant to 950 CMR 32.00 and G.L. c. 66, section 10A(a) you have the right to appeal this decision to the Supervisor of Public Records within 90 calendar days. Such appeal shall be in writing, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. Pursuant to G.L. c. 66, section 10A(c), you also have the right to seek judicial review by commencing a civil action in the superior court.

Should you have any questions, please do not hesitate to contact me.

Respectfully,

John B. Garcia
Chief of Police

GovThink - Get Smart in 2 minutes - Facial Recognition, CAD-to-CAD

From: POLICE Magazine <POLICEMagazine@bobitpartners.com>
To: jgarcia@marionma.gov
Date: 7/16/2019 8:16 AM

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Three Police Chiefs on: The Future of Facial Recognition Technology in Law Enforcement

Facial recognition has the power to permanently impact law enforcement processes, and the potential of this technology is rapidly advancing. Watch this video, where three police chiefs share their perspectives on the potential and limitations of this evolving technology.

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11 Life-Saving Benefits of CAD-to-CAD Interoperability

Virtually connecting computer aided dispatch (CAD) systems enables the nearest first responder to reach an emergency up to two minutes faster, potentially allowing police, fire and EMS personnel to save 125,000 lives every year. Learn how to do this now.

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GovThink - Get Smart in 2 minutes – Everything you want to know about Facial Recognition

From: GovThink <GetSmart@GovThink.com>
To: jgarcia@marionma.gov
Date: 6/20/2019 12:44 PM

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Scalability of the Cloud: 3 Key Benefits for Growing Communities

In 2000, the United States population was roughly 282 million. In 2019, it's almost 329 million. As populations grow, so must the ability of local governments to serve them. Learn how moving to the cloud enables public sector organizations to rapidly multiply the impact of their efforts.

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FEATURED, PUBLIC SAFETY As technology expands capabilities and makes enhancements across the public safety sector – from mobile units in each patrol car to wearable tech on every officer – there is more data captured and accessed than ever before. Why are agencies reluctant to adopt technologically advanced systems when a crisis hits and they need the most up-to-date information? CAD interoperability should be the primary focus for law enforcement, EMS and fire agencies, but existing CAD-to-CAD systems are currently difficult to implement – it requires collaboration among different jurisdictions and budgets to integrate. Without CAD interoperability, neighboring 911 communication centers are forced to coordinate over the phone, slowing down incident response and leaving first responders with incomplete or incorrect information that increases risk to those in need of help and first responders as well. True CAD-to-CAD interoperability alleviates the confusion of managed chaos in public safety. When adjacent communities connect their CAD systems, it allows dispatchers, first responders and command staff the ability to view incident data, perform necessary call transfers, view available units and dispatch units from other law enforcement agencies connected through the same system. The city of Atlanta is a prime example of how interoperability is able to play a critical role in saving lives. Atlanta is on a single-siloed CAD platform that serves just under half a million residents while the roughly 40 surrounding counties all operate on a similar CAD system. That equates to an entire community of 4.5 million people potentially residing on a single CAD platform that could share dispatch information, situational intelligence and officer locations among all of those agencies. This type of interoperability has the power to save lives. Between the initial 911 call to the moment first responders arrive on scene, a lot can change. Here's how CAD to CAD benefits every member of the team during an evolving crisis: DISPATCHER BENEFITS Coordinated multi-jurisdictional agency communication during mass incidents Quick access to updates and notifications from other agencies Real-time identification and location of resources across all agencies FIRST RESPONDER BENEFITS Relevant local information for locations outside of their jurisdiction In-depth situational awareness across agencies during a crisis Immediate updates of locations for all resources across all agencies All information easily accessible on their everyday devices COMMAND STAFF BENEFITS Automated mutual aid requests Ability to establish and share perimeters with other agencies

The Top 3 Tech Investments for Government CIOs in 2019

With so many different technologies in the market, how should CIOs decide which ones matter and which are just burning cash? Here are the top three tech investment priorities government CIOs have for 2019 and what it means for local government.

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In-depth situational awareness of constantly evolving details Immediate notification of resources' arrival on scene and updated resource location Law enforcement agencies are eager to evolve and empower their personnel with the resources CAD-to-CAD interoperability provides. Connected neighboring and adjacent public safety entities prevents small-scale problems from evolving in to large-scale disasters, making for safer communities. JUNE 6, 2019/BY STEVE SEONE Share this entry

Virtually connecting computer aided dispatch (CAD) systems enables the nearest first responder to reach an emergency up to two minutes faster, potentially allowing police, fire and EMS personnel to save 125,000 lives every year. Learn how to do this now.

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Merry Christmas from Clearview: Get your Free Trial today

From: POLICE Magazine <POLICEMagazine@bobitpartners.com>
To: jgarcia@marionma.gov
Date: 12/3/2019 3:06 PM

How it works

Clearview is like Google Search for faces. It only takes **one** photo of a suspect's face, **one** quick tap on your cell phone or computer, and **one** second of search time. Get results from mug shots, social media, news articles, and other publicly available sources.

Clearview combines the world's **most accurate** face search technology with the **single largest** proprietary database of facial images from open sources **worldwide** to help you ID a criminal suspect in an instant.
It only takes **one** minute to install and you can start searching immediately. Just click the button below to start your 30-day free trial with unlimited searches - no strings attached.

Try it out for free

Got questions or want to schedule a free webinar? Shoot us an e-mail at help@clearview.ai

Available on iPhone, Android, and Desktop

Clearview can find matches even if a suspect grows a beard, wears glasses or headwear, appears in low light or at odd angles, or even if they're in a group photo. It's no wonder Clearview's accuracy rate is **above 98.6% — #1 worldwide.**

Over 600 law enforcement agencies nationwide are already using Clearview to solve crimes and save lives, ranging from local police departments to state troopers to federal agencies. Our technology has enabled law enforcement to:

- Break up an online child pornography ring and rescue a 7-year-old girl

- Crack a 32-year old unsolved homicide case
- Bust a multi-million dollar credit card fraud operation
- And solve hundreds of other cases across the country

Sign up now for a ***free 30-day trial*** with ***unlimited searches*** and test this cutting-edge technology for yourself. No strings attached.

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How Police Solved Violent Crimes and More with Clearview AI

From: POLICE <POLICE@bobitpartners.com>
To: jgarcia@marionma.gov
Date: 3/25/2020 10:11 AM

Solving violent gun crimes

From WPLG Local10 in Miami, Florida (emphasis ours):

> *[...] After the **fatal shooting** on North Miami Avenue at Northwest 20th Street, [the suspect] ran away. Despite a massive manhunt in Miami's Wynwood-Overtown boundary, [the suspect] was able to escape to another state. Assistant Chief Armando Aguilar said artificial intelligence helped detectives find him.*
> *"**Within just over 30 hours**, we had identified [the suspect] and had him in handcuffs in Columbus, Ohio," Aguilar said on Thursday.*
> *Aguilar said the Miami Police Department has been testing facial recognition software by **Clearview.AI** [...] Detectives said the system, which has been criticized over invasion-of-privacy concerns, **quickly tracked** [the suspect], who has a "Death Before Dishonor" tattoo on his forehead. [...]*
> *[This] case isn't the only one that includes the use of this technology. In the **two months** that detectives have been using the software they have been able to **identify 10 suspects** who have been tied to felony cases, including **violent crimes**, Aguilar said. [...]*

Read the full story here.

Solving thefts and fraud

From WFTV 9 in Clermont, Florida (emphasis ours):

> *An alleged thief is in jail after two Florida law enforcement agencies used a controversial crime-fighting tool. [The suspect] was wanted for allegedly **stealing nearly $12,000** worth of items from a Clermont store last month.*
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> *Investigators said they were able to identify [the suspect] through facial recognition technology. [...] **Within two days**, both Tampa police and Seminole County deputies said they used facial recognition software to tentatively identify the suspect [...]*
> *The Sheriff's Office said it is currently testing a facial recognition program called **Clearview AI**. [...]*

Read the full story here.

Saving children from sexual abuse

From *The New York Times* (emphasis ours):

> *[...] Investigators say **Clearview's tools** allow them to learn the names or locations of minors in exploitative videos and photos **who otherwise might not have been identified**. In one case in Indiana, detectives ran images of **21 victims of the same offender** through Clearview's app and **received 14 IDs**, according to Charles Cohen, a retired chief of the state police. **The youngest was 13.***
> *"These were kids or young women, and we wanted to be able to find them to tell them we had arrested this guy and see if they wanted to make victim statements," Mr. Cohen said.*
> *Another official, a victim identification officer in Canada, who was not authorized to discuss investigations publicly, described Clearview's technology as **"the biggest breakthrough in the last decade" in the field of child sexual abuse crimes.** [...]*
> *The app is being used by task forces in Florida, Indiana and South Dakota dedicated to investigating child abuse, as well as by the **Department of Homeland Security** and law enforcement in Canada. [...]*

Read the full story here.

Available on desktop and mobile

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How Police Solved Violent Crimes and More with Clearview AI

From: Officer.com <ofcr@mail.officer.com>
To: jgarcia@marionma.gov
Date: 3/23/2020 1:34 PM

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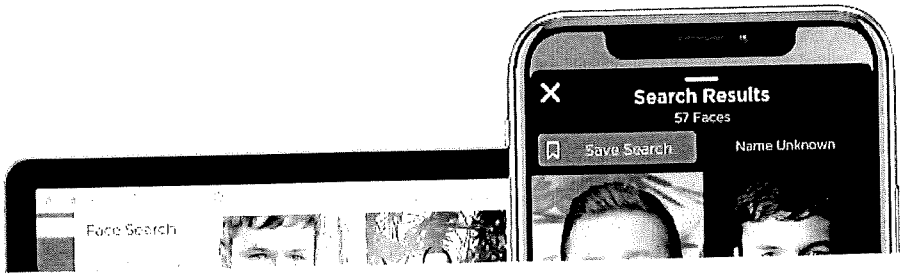

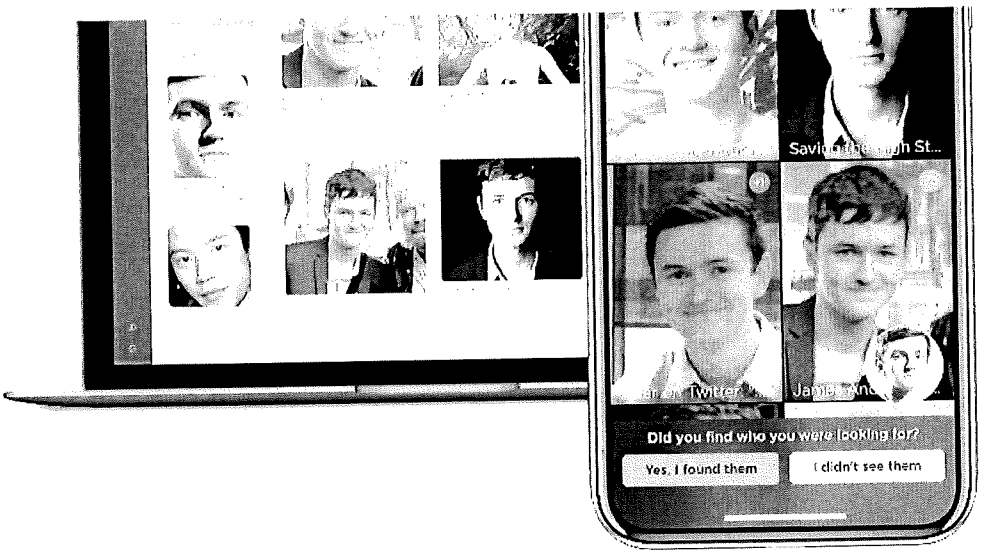

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