MEMORANDUM OF AGREEMENT

RELATING TO HOMELAND SECURITY AND CRIMINAL

INVESTIGATIVE EFFORTS RELATED TO MOTOR VEHICLE FUNCTIONS

AGREEMENT made as of this 16th day of June, 2005, by and between THE DEPARTMENT OF THE STATE POLICE (hereinafter "the State Police"), an agency of the Commonwealth of Massachusetts, pursuant to Chapter 22C of the General Laws, having a usual place of business at 470 Worcester Road, Framingham, MA 01702, and THE REGISTRY OF MOTOR VEHICLES (hereinafter "the RMV"), also an agency of the Commonwealth of Massachusetts, pursuant to Chapter 16, section 9, of the General Laws, having a usual place of business at One Copley Place, Boston, MA 02116

WHEREAS: The State Police is a state law enforcement agency authorized by the laws of the Commonwealth to provide for the safety of the public and homeland security for the Commonwealth; and

WHEREAS: The State Police pursuant to Chapter 412 of the Acts of 1991 are the police agency for the RMV; and

WHEREAS: The RMV is the state agency authorized by law to issue driver's licenses, permits and other identification documents to citizens of the Commonwealth; and

WHEREAS: In November 2004, the RMV implemented a new RMV license which will be extremely difficult to counterfeit for the purpose of preventing fraudulent identification from getting into the hands of terrorists and other criminals.

WHEREAS: A cooperative and focused effort put forth by members of the Executive Office of Public Safety, Registry of Motor Vehicles and Department of State Police resulted in the creation of this new license.

WHEREAS: The State Police and the RMV seek to address homeland security issues highlighted by the 9/11 attacks that relate to driver's license issuance, administration, and authenticity.

WHEREAS: The State Police and the RMV seek to detect and apprehend terrorists and others who use the driver's license for criminal purposes.

WHEREAS: The State Police and the RMV, with the support of the respective Secretariats, the Executive Office of Public Safety (hereinafter "the EOPS") and the Executive Office of Transportation (hereinafter "the EOT"), do hereby declare that homeland security dictates the necessity of coordination and cooperation between the State Police and the RMV.

NOW, THEREFORE, WITNESSETH that the State Police and the RMV, for and in full consideration of keeping and performing the mutual covenants and conditions hereinafter stated, do hereby agree as follows:

A. In accordance with G.L. c. 22C, the MSP Compliance Unit shall be reorganized, the duties revised, and the name changed to be an investigative unit within the Division of Investigative Services. For purposes of this MOA, the term "MSP Compliance Unit" shall refer to the current unit and the unit it will be changed to. The MSP Compliance Unit Commander shall report directly to the Lt. Colonel of the Division of Investigative Services, or the Lt. Colonel's designee.

B. The Registry shall be responsible for investigating purely administrative violations of its employees such as attendance issues, insubordination, or rudeness to customers. The MSP shall be responsible for investigating allegations/complaints where there is any indicia of possible criminal activity, such as fraud by a RMV employee, an applicant of an RMV document, or a licensee, theft, or illegally selling RMV licenses, or allegations/complaints which have potential homeland security implications.

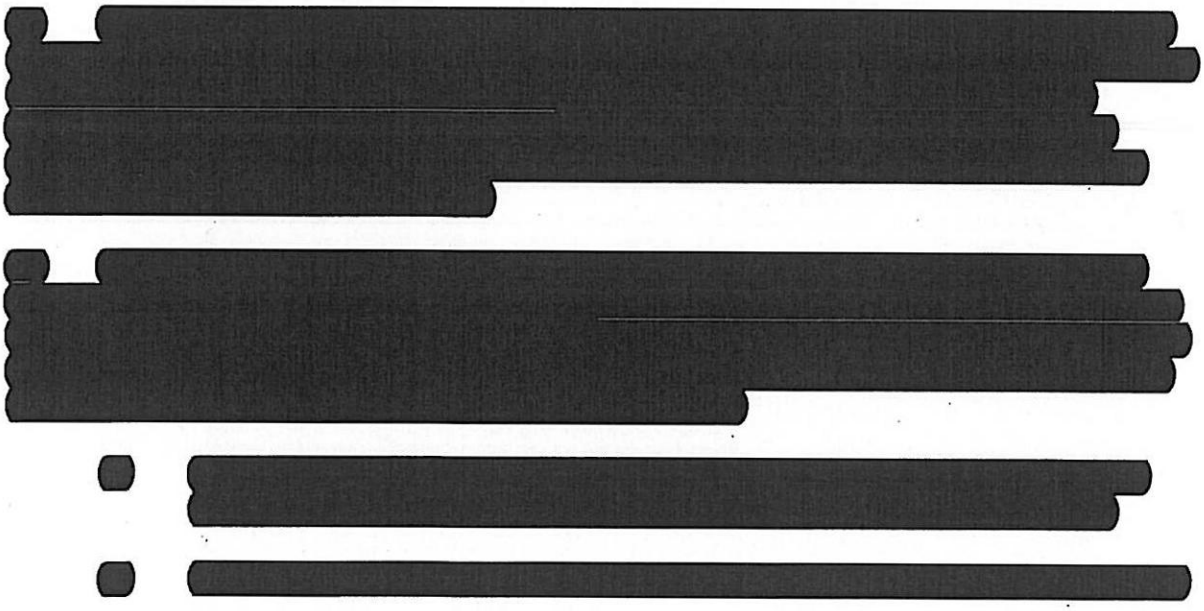
1. Screening at in-take shall take place by a designated MSP Compliance Unit member, together with a designated RMV employee at the MSP Compliance Unit. At in-take, those allegations/complaints deemed by the MSP to have any indicia of possible criminal activity/homeland security implications shall be immediately submitted directly to the MSP Compliance Unit. The remaining allegations/complaints that are deemed purely administrative shall be immediately submitted to the RMV SIU, provided however, that if the RMV SIU upon investigation finds that what was initially deemed to be a purely administrative matter turns out to have any indicia of potential criminal activity/homeland security implications, the RMV SIU shall immediately refer that case to the MSP Compliance Unit. The RMV and MSP shall develop a protocol for screening so investigations are initiated as soon as possible.

2. Any criminal or homeland security allegations shall be investigated solely by the MSP. The MSP Compliance Unit Commander shall routinely update the Registrar or the Registrar's designee about the status of investigations to ensure that the Registry takes no administrative action, send any correspondence, or interview any witnesses that may potentially compromise an investigation. The MSP Compliance Unit Commander shall notify promptly the Registrar or the Registrar's designee of all instances in which a Registry employee is the subject of an investigation. In instances when an RMV employee is the subject of an investigation and the RMV has suspended administrative action at the request of

the MSP Compliance Unit, the MSP Compliance Unit Commander shall inform the Registrar or the Registrar's designee when the employee can be notified of termination, terminated or subject to any other administrative action by the Registry. The Registrar and Registrar's designee shall keep investigation information confidential.

3. Any investigations deemed non-criminal/non-homeland security allegations shall be forwarded to the RMV Special Investigations Unit by the MSP Compliance Unit for appropriate administrative action.

4. The RMV shall in consultation with the MSP, create a bulletin and e-mail notification informing RMV employees that they shall report any indicia of possible criminal activity, such as fraud by a RMV employee, an applicant of an RMV document, or a licensee, theft, or illegal selling of RMV licenses, directly to the MSP Compliance Unit and the MSP Compliance Unit's number shall be provided. The Registry shall also inform its staff on how to report to the RMV, purely administrative violations, having no indicia of potential criminal activity, of its employees such as attendance issues, insubordination, or rudeness to customers.



E. Unverified Social Security Numbers on Drivers Licenses

1. The RMV is verifying its entire driver license database on an accelerated basis for social security number verification.

2. The RMV shall create a list of unverified social security numbers categorized by the reason that the social security number fails to verify. The list shall be provided to the MSP Compliance Unit. For renewals, the RMV shall provide a categorized list of unverified social security numbers to the MSP Compliance Unit in a mutually agreeable time period prior to the license renewal date.

3. The MSP Compliance Unit shall coordinate with the RMV regarding processing of licenses with unverified social security numbers. The MSP and RMV shall develop and implement as quickly as possible a process to suspend appropriate licenses with unverified social security numbers. The process shall take into account notifications and the flagging of licenses so the driver will not be able to convert an unverified Massachusetts license to that of another state's. The process shall also explore handling unverified social security numbers in a similar way as done by the New York Department of Motor Vehicles. The MSP and the RMV understand that this suspension activity is absolutely necessary in order to report the issue to the National Driver Register (NDR), which will prevent the driver from converting a Massachusetts license to that of another state's.

4. The RMV and MSP shall develop and implement as quickly as possible a process for licenses to be cleared.

F. Visas

1. The RMV shall establish at each branch location a separate window for first time applicants converting an out-of-state license or coming from another country. It shall be the goal of the RMV for each branch to have technology that will detect fraudulent documents, subject to funding for technical and staff resources, which the RMV shall make best efforts to procure. Until such time, the 5 document verification machines currently possessed by the RMV shall be used at those branch windows that process the most first time applicants converting an out-of-state license or coming from another country. As the RMV acquires more document verification machines it shall continue to place them at those branch windows processing the highest volume of first time applicants converting an out-of-state license or coming from another country.

2. Each branch window as described above shall have authorized RMV personnel at the window who have completed training in fraudulent visa and license documents that has been approved by the RMV, in consultation with the MSP.

3. The MSP and RMV shall develop and implement as quickly as possible a process by which quick response troopers can make arrests of those who try to obtain

driver's licenses or other RMV identification using fraudulent documents.

4. The RMV shall seek as soon as possible to have the ICE SAVE program put in place which is an on-line verification of visa status similar to that of the on-line social security number verification system.

G. Facial Recognition

1. The RMV shall implement a facial recognition system for driver's licenses and other RMV issued identification. The RMV shall run the facial recognition program to ascertain individuals with multiple driver's licenses and other RMV issued identification. The RMV shall make best efforts to procure funding so that a database scrub can be done as quickly as feasible. As soon as such funding is procured, the RMV shall work with the MSP to identify a manageable "scrub" protocol that will review the entire license image database, starting with priority licenses. The RMV shall make best efforts to explore all available funding sources within the Executive Office of Public Safety, the Executive Office of Transportation and by state and federal grants so that the entire license image database is scrubbed as quickly as possible after the start date of the vendor's contract.

2. The RMV shall run every applicant and renewal through the facial recognition program .

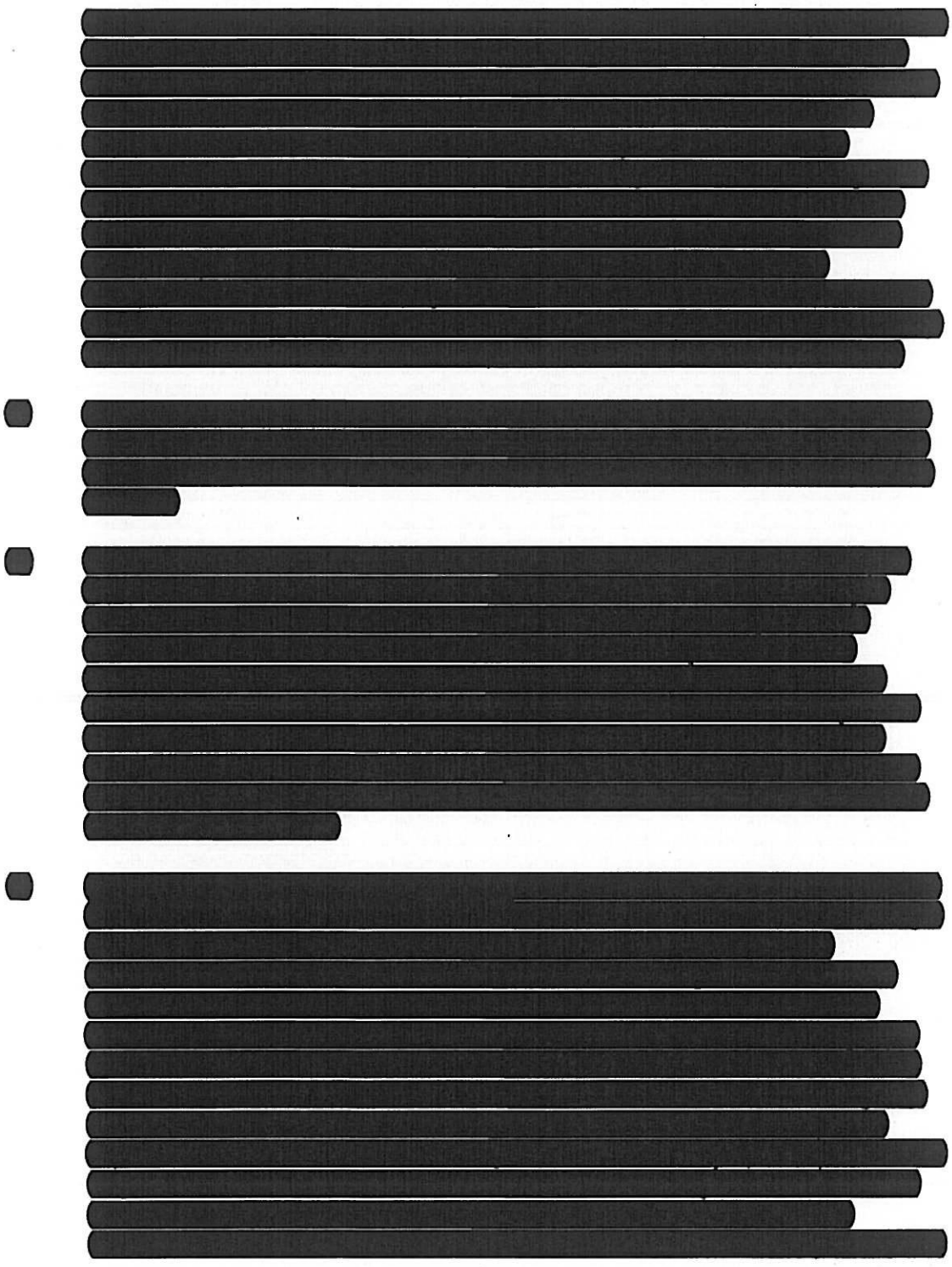
3. The MSP Compliance Unit shall be immediately and directly notified of any individual with multiple driver's licenses and/or other RMV issued identification.

[redacted]

5. The MSP Compliance Unit shall investigate all individuals with multiple driver's licenses and/or other RMV issued identification and shall inform the Registrar or the Registrar's designee of the results of these investigations in order for the RMV to take the appropriate administrative actions.

[redacted]

[redacted]



[redacted]

I. Temporary Licenses and Learners Permits

1. The RMV shall eliminate paper temporary licenses and paper learners permits as soon as practical but not later than three years.

2. For the interim, as soon as possible after the signing of this MOA, the RMV shall have on the back and front of temporary paper licenses and paper learners permits, the words, "Not Valid for ID Purposes," and put the licenses and permits on security paper.

J. This Agreement shall be effective upon the date of final signatures and will remain in effect unless modified by mutual written agreement or terminated at the proposal of either party, with the written approval by both the Secretary of Public Safety and the Secretary of the Executive Office of Transportation, provided however, that after one year from the effective date, the two Secretaries may review the MOU to determine whether it is necessary. If they determine it is not necessary, they can terminate this MOU at that time by a mutually executed written document stating as such. Any proposed amendments to this agreement shall require prior written approval by both the Secretaries of the Executive Office of Public Safety and of the Executive Office of Transportation.

K. If any part of this Agreement is determined to be invalid, illegal, or unenforceable, such determination shall not affect the validity, legality, or enforceability of any other part of this Agreement, and the remaining parts of this Agreement shall be enforced as if such invalid, illegal, or unenforceable part were not contained herein.

L. Whenever, by the terms of this instrument, notices may or are to be given either to the other, such notices shall be deemed to have been given if in writing and either delivered by hand or by United States mail, to the State Police, to:

Office of the Superintendent
Department of the State Police
470 Worcester Road
Framingham, MA 01702
cc: Office of the Chief Legal Counsel

and to the RMV to:

Office of the Registrar
Registry of Motor Vehicles
One Copley Place
Boston, MA 02116
cc: Office of the Registry Liaison to the MSP

or to such other address or addresses as may be specified by either party to the other by like notice.

M. Modifications or amendments to this Agreement shall be in writing and duly executed by both parties to be effective.

N. The rights, liabilities, agreements and obligations herein granted and set forth shall inure to the benefit of and be binding upon the successors, assigns, agents, representatives, and transferees of the Commonwealth of Massachusetts, as applicable, and shall inure to the benefit of and be binding upon the successors, assigns, agents, representatives, and transferees, as applicable, and upon all other persons claiming by, through or under the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate originals under seal as of this 16th day of June, 2005.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE STATE POLICE

Thomas G. Robbins, Colonel

COMMONWEALTH OF MASSACHUSETTS
REGISTRY OF MOTOR VEHICLES

Kimberly Hinden, Registrar

APPROVED:

Edward A. Flynn, Secretary
Executive Office of Public Safety

APPROVED:

John Cogliano, Secretary
Executive Office of Transportation