



# *The Commonwealth of Massachusetts*

## *Department of State Police*

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February 7, 2020

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 revised request via email on December 2, 2019 seeking audit records of facial recognition searches<sup>1</sup> performed by members of our Watch Center dating back to January 1, 2017. Specifically, you requested the following:

- (1) The name of each officer that performed the search;
- (2) The reason for performing the search; and
- (3) If the search ended up in an arrest or prosecution.

As a preliminary matter, please be advised that the majority of facial recognition searches are run by civilian analysts and we do not release their names publicly for safety/security and privacy reasons pursuant to M.G.L. c. 4, section 7, clause 26(c). Also, as stated in a prior response to a public records request, the Department does not catalog arrests or prosecutions by the myriad forms of evidence that are gathered and utilized in conjunction with one another during the investigation phase. Therefore, our audit capabilities do not allow us to delineate which cases involving a facial recognition search – or a fingerprint match, DNA sample, or suspect's admissions, for example – contributed to an arrest or prosecution. The remainder of the information is contained in the attached spreadsheet.

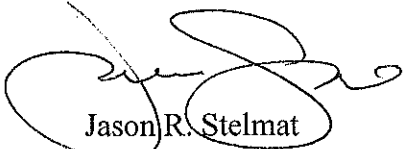
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<sup>1</sup> During the time period in question, the Department had access to the Massachusetts Registry of Motor Vehicles ("RMV") facial recognition technology as well as facial recognition capabilities through the COPLINK database. The Department is able to run an audit of facial recognition searches performed by members of our Watch Center during the specified time period. However, the Department cannot definitively say which database was used during any specific search. Therefore the resulting audit contains combined results from both facial recognition databases.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason R. Stelmat", with a large, stylized flourish extending from the end of the signature.

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