Massachusetts Sheriffs' Association

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May 15, 2019

Kade Crockford
Director, Technology for Liberty Program
ACLU of Massachusetts
211 Congress Street
Boston, MA 02110

Dear Kade Crockford:

This letter is in response to your Public Records Request of April 11, 2019 to the Massachusetts Sheriffs' Association (MSA). Specifically, you asked for the following records since January 1, 2016:

1) Communications between any representative of the MSA and any representative of any vendor offering any facial-recognition product or service.

2) Internal communications between representatives or employees of the MSA relating to any facial recognition product or service.

3) Documents relating to the purchase or use of facial recognition, including but not limited to: purchase orders, RFPs, licensing agreements, invoices, and contracts (including non-disclosure agreements) related to any facial-recognition product or service.

4) Materials relating to how any facial-recognition product or service functions (or functions improperly), including e-mails, handouts, PowerPoint presentations, advertisements, or specification documents.

5) Manuals, policies, procedures, and practices governing the use or monitoring of a facial recognition product or service or related information or databases. This request includes, but is not limited to:
    a. Procedures for using, deleting, or retaining photos of subjects to be identified;

    b. Materials identifying any sources of such photos, such as mobile devices, body cameras, surveillance videos, identification photos, or arrest photos;

    c. Policies or procedures relating to the legal standard, if any, (e.g., probable cause, court order, relevance, consent) that is required before using any facial-recognition product or service.

d. Procedures the agency follows after a positive match, such as requiring independent or in-person verification;

e. Permitted uses of the information created from a positive match.

6) Training materials related to any facial-recognition product or service.

7) Records relating to any mobile application related to any facial-recognition product or service.

8) Records relating to any public process or debate about any facial-recognition product or service, including meeting agendas or minutes, public notice, analyses, or communications between the MSA and elected leaders or county officials.

9) Records relating to any image database used for facial-recognition purposes.

10) Records relating to any iris image database used for biometric surveillance or identification purposes.

11) Records relating to the sharing of inmate photos (also known as "mugshots"), including but not limited to records relating to the sharing of inmate photos via a system called "Coplink."

This request is a follow-up to a September, 2018 request in which you sought similar materials. You referenced in your correspondence that there should be records responsive to your request stemming from the Mobile Offender Recognition and Identification System (MORIS) , a program which is referenced in my correspondence with your organization through a series of public records requests dating back to 2010. I wish to clarify that the MSA contract for the MORIS system expired in 2012, and has remained defunct. Therefore, no records exist in the timeframe of this current request.

As mentioned in September, the MSA does not maintain records responsive to Parts 1-9 or Part 11 of this request. However, the amendment to Part 10 of your request to include "iris image database" necessitated a new search of records maintained by the MSA. This search found records responsive to this portion of the request, which you will find attached and outlined below.

The first attachment contains three references in MSA meeting minutes to iris imaging since January 1, 2016. The minutes recorded on January 11, 2018 refer to the use of iris images as part of the Sheriffs Inmate Management System, or SIMS. SIMS is a jail management software currently utilized by 11 of the 14 sheriff's offices in Massachusetts to provide uniformity to the collection of criminal offender identification information (CORI). The SIMS software installation has been ongoing since 2016 and is nearing its completion; the MSA has assisted in the procurement of this software through a bond provided by the Executive Office of Public Safety & Security (EOPSS). While the initial software installation did not provide the ability to collect iris images, some sheriff's offices have independently added this capability over time for internal facility use only. This is referenced in subsequent memos and emails, which are included in the attachment. Because this additional capability is procured and managed by individual sheriff's offices, the MSA has no further records responsive to this request.

The meeting minutes recorded on July 12 and August 9, 2018 refer to verbal conversations involving the iris imaging collected by individual sheriff's offices utilizing SIMS and its interoperability with databases maintained by state and federal law enforcement agencies. These discussions have not produced any additional records maintained by the MSA.

The MSA has waived all fees associated with this request. If you disagree with or object to this Office's response, you may appeal in accordance with G.L. c. 66 , § 10(b) and CMR 32.08.

Sincerely,

James F. Walsh
Executive Director