



April 3, 2017

Public Records Officer
Massachusetts State Police
470 Worcester Road
Framingham, MA 01702

To Whom It May Concern:

This is a request under the Public Records Law. G.L. c. 66, § 10.

We are interested in learning more about the use of face recognition technology (also known as “facial recognition” technology) at the Massachusetts State Police (“MSP”) and its fusion center, the Commonwealth Fusion Center (“CFC”). Please provide us with the following documents at your earliest convenience. Please note that unless otherwise noted we are asking for all documents related to the following created or dated between the year 2011 and the present.

Background

A December 2016 *Boston Globe* article¹ describes some ways in which the MSP uses facial recognition technology. After quoting MSP spokesman David Procopio, the *Globe* story states that, “State officials also said there are safeguards in place to address concerns about privacy and the technology’s accuracy.”

The *Globe* report also references a database containing booking photos of 2.6 million people, to which “[m]ore than 5,000 analysts and officers from 376 law enforcement agencies have access” via the CFC. According to the *Globe*, state police spokesman Procopio “said training sessions are offered regularly for officials who access the database.”

Records sought

Please provide me with the following records at your earliest convenience:

1. Any records describing or referencing any safeguards in place to address concerns about privacy and accuracy with respect to facial recognition systems in use by MSP employees;

¹ Rocheleau, Matt, “State scans Mass. license photos to find matches with suspects,” *Boston Globe*, December 20, 2016. <https://www.bostonglobe.com/metro/2016/12/20/state-scans-mass-driver-license-photos-find-matches-with-suspects/xyVIxWkPL95hQbx4sUI2WM/story.html>

2. Any policies or procedures pertaining to the database containing booking photos of more than 2 million people, including records pertaining to accessing the database;
3. Any records—including PowerPoint presentations, agendas, memos, meeting notes, or reminder emails—pertaining to any training sessions that are offered to officials who access the database containing more than 2 million booking photos;
4. Any MOU, MOA, or other agreement between the MSP and any entity pertaining to or granting access to the database containing more than 2 million booking photos, including but not limited to agreements with federal agencies including the FBI, ICE, and CBP; and
5. Any record describing limitations regarding access to the database containing more than 2 million booking photos.

Beginning January 1, 2017, Records Access Officers must permit inspection or furnish a copy of a requested public record within 10 business days following receipt of a public records request. If your office withholds portions of the requested documents on the grounds that they are exempt from disclosure, please specify which exemptions and release any portions of the records for which you do not claim an exemption. I ask that you waive any assessed fees pursuant to 950 C.M.R. 32.07(k), which allows Records Access Officers to waive or reduce the amount of any fee upon a showing that (1) disclosure of a requested record is in the public interest; (2) the request for records is not primarily in the commercial interest of the requester; or (3) the requester lacks the financial ability to pay the full amount of the reasonable fee. ACLUM is a nonprofit organization with no commercial interest in the records, and these matters are squarely within the public interest.

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.

Please reply to this request to by contacting Kade Crockford at 617-482-3170 x346 or kcrockford@aclum.org.

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

Sincerely,

Kade Crockford
Director
Technology for Liberty Project
ACLU of Massachusetts