

Emiliano Falcon

From: Emiliano Falcon
Sent: Wednesday, July 10, 2019 10:29 AM
To: 'Frederick Ryan'
Cc: Robert Mulligan; Kade Crockford
Subject: RE: ACLU Records Request (Facial Recognition)

Good Morning,

Thank you for your response.

The public records law states that each person has a right of access to public records. G.L. ch. 66, § 10(a). The law broadly defines “public records” to include “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee” of any Massachusetts governmental entity. G.L. ch.4, § 7(26).

The general rule is that all public records are public. Globe Newspaper Co. v. Police Com'r of Bos., 419 Mass. 852, 857 (1995) (interpreting G.L. ch. 66, § 10(c)). The law contains certain limited exemptions that provide the basis for withholding records completely or in part. See generally G.L. ch. 4, §7(26) (a) – (u). However, under the public records law, these exemptions must be strictly and narrowly construed. Attorney Gen. v. Assistant Com'r of Real Prop. Dep't of Bos., 380 Mass. 623, 625 (1980) (holding that given the statutory presumption in favor of disclosure in G.L. ch. 4, §7(26) exemptions must be strictly construed)

Statutory exemptions are not blanket in nature. See Reinstein v. Police Com'r of Bos., 378 Mass. 281, 290 (1979) (explaining that there is no blanket exemption provided for records kept by police departments and that the exemption for investigatory materials invites a case-by-case consideration). The fact “that some exempt material may be found in a document or report of an investigatory character **does not justify cloture as to all of it.**” Id. (emphasis added). It follows that where exempt information is mixed with non-exempt information, **the non-exempt portions are subject to disclosure once the exempt portions are redacted.** Id., at 287–88 (holding that the June 1978 amendments settled the issue and made clear that the right to access extended to any non-exempt segregable portion of a public record)

In your answer, you claim that “the majority of the emails and attachments contain references to pending investigations, active cases, CORI information, investigative materials, and security information and is therefore subject to” several exemptions.

Please note that per the public records law you have to send us those documents –with the exempt portions redacted and segregated from the non-exempt portions.

We look forward to receiving those documents.

Thank you very much,

Emiliano

Emiliano Falcon
Pronouns: he, him, his
Technology and Civil Liberties Policy Counsel

From: Frederick Ryan [mailto:fryan@salempd.net]
Sent: Monday, July 8, 2019 2:31 PM
To: Emiliano Falcon <efalcon@aclum.org>
Cc: Robert Mulligan <rmulligan@salempd.net>
Subject: RE: ACLU Records Request (Facial Recognition)

Good Afternoon,

Attached is the our response to your records request received on June 19, 2019.

Frederick M. Ryan
Captain Frederick M. Ryan
Special Services Division Commander
SALEM POLICE DEPARTMENT
95 Margin Street
Salem, Massachusetts 01970
(978) 744-0171 x 50138
fryan@salempd.net

From: Emiliano Falcon [efalcon@aclum.org]
Sent: Monday, July 08, 2019 9:43 AM
To: Frederick Ryan
Cc: Robert Mulligan
Subject: RE: ACLU Records Request (Facial Recognition)

Good Morning, Captain.

Thank you very much.

Best,

Emiliano

Emiliano Falcon
Pronouns: he, him, his
Technology and Civil Liberties Policy Counsel

From: Frederick Ryan [mailto:fryan@salempd.net]
Sent: Monday, July 1, 2019 5:10 PM
To: Emiliano Falcon <efalcon@aclum.org>
Cc: Robert Mulligan <rmulligan@salempd.net>
Subject: RE: ACLU Records Request (Facial Recognition)

Good Evening,

I have received your request and am collecting the required documents which will need to be reviewed by our legal department. I anticipate they will be emailed to you by next week. If you have any questions, please call or email me.

Frederick M. Ryan

Captain Frederick M. Ryan
Special Services Division Commander
SALEM POLICE DEPARTMENT
95 Margin Street
Salem, Massachusetts 01970
(978) 744-0171 x 50138
fryan@salempd.net

From: Emiliano Falcon [efalcon@aclum.org]
Sent: Wednesday, June 19, 2019 4:24 PM
To: Frederick Ryan
Cc: Kade Crockford; Robert Mulligan
Subject: FW: ACLU Records Request (Facial Recognition)

Good afternoon,

Please see attached.

Best regards,

Emiliano

Emiliano Falcon

Pronouns: he, him, his

Technology and Civil Liberties Policy Counsel
Technology for Liberty Program
American Civil Liberties Union of Massachusetts
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From: Robert Mulligan <rmulligan@salempd.net>
Sent: Tuesday, June 4, 2019 5:46 PM
To: Kade Crockford
Cc: Frederick Ryan
Subject: ACLU Records Request (Facial Recognition)

Attn: Kade Crockford

Re: ACLU Massachusetts request of May 30, 2019 for information on the use of facial-recognition technology by the Salem Police Department.

Forwarding the attached on behalf of Capt Frederick Ryan, Salem Police Department Keeper of the Records.

Regards,

Robert D. Mulligan
Administrative Aide to the Chief of Police
Salem Police Department
95 Margin Street
Salem, Massachusetts 01970
Office: (978) 744-0171 x. 50103
Mobile: (781) 910-0654
rmulligan@salempd.net

Please note the Massachusetts Secretary of State's office has determined that most emails to and from municipal officials are public records. For more information please refer to: <http://www.sec.state.ma.us/pre/preidx.htm>.
Please consider the environment before printing this email.