



May 13, 2019

Sent via email

Rebecca S. Murray, Esq.
Supervisor of Public Records
Public Records Division
McCormack Building
One Ashburton Place, Room 1719
Boston, MA 02108

Dear Rebecca Murray:

I am writing this letter in response to the answer I received from the Springfield Record Access Officer (“RAO”) concerning my appeal to the Springfield Police Department (“SPD”) unresponsive answer to my public records request.

On April 3, 2019, pursuant to Massachusetts Public Records Law¹ (“public records law”) and its regulations,² I appealed SPD’s answer to the public record request I sent on March 7 (attached as Exhibit A).

On April 18, 2019, your office ordered the SPD to provide a response (attached as Exhibit B).

On May 9, 2019, I received a response from the SPD (attached as Exhibit C). The response is signed by Anthony I. Wilson, City Clerk, and RAO.

For the reasons that follow, I am not satisfied with the answer I received.

First, the answer is an answer to my initial public records request. The answer does not address the concerns I raised in my appeal, i.e., the existence of the “Real-Time Analysis Center” and the use of BriefCam technology.

Second, the answer to points 4 through 8 of my original request is unresponsive. The RAO states that: “Personnel in the Springfield Police Department’s Information & Technology Division and the Crime Analysis Unit have advised that there are no records that are responsive to this request because the SPD does not use any facial recognition programs.” Nevertheless, and as I already mentioned, it is public

¹ See generally G.L. ch. 66.

² See generally 950 Code Mass. Regs. ch. 32.

knowledge that the SPD has a “Real-Time Analysis Center” (“Center”)³ and that BriefCam⁴ is the primary software provider powering that surveillance facility.

As noted, BriefCam is a law enforcement vendor that uses facial recognition software. Multiple sources confirm this information. These sources include the Washington Post⁵ and the company itself.⁶

In my appeal, I mentioned that it is highly likely that one or both of the following things is true: SPD is either using facial recognition technology or is at least aware of the capabilities of the software the Department is using and has made a conscious choice not to use the facial recognition capabilities BriefCam offers. The answer does not address these concerns. I received no response to these inquiries.

Pursuant to the regulations of the public records laws, a RAO must promptly take such steps as may be necessary to comply with an order of the Supervisor of Public Records.⁷ Ultimately, if the custodian fails to comply, the supervisor may notify the Attorney General to ensure compliance.⁸

Here, for all the reasons mentioned above, the RAO did not comply with your order. The answer I received is inaccurate and incomplete. I therefore respectfully request that your office (i) issue a new order mandating the RAO provide the ACLU with a responsive answer to the appeal, and (ii) take any other steps necessary to ensure compliance with your determination.

If you have any questions concerning this appeal, you can contact me at (617) 482-3170 x346 or kcrockford@aclum.org.

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

Sincerely,



³ See Springfield, Mass., Unveils Real-Time Crime Analysis Center, Security Magazine (May 4, 2018), <https://www.securitymagazine.com/articles/88986-springfield-mass-unveils-real-time-crime-analysis-center> and Paul Tuthill, Springfield Police Show Off New Crime Analysis Unit, WAMC Northeast Report (Apr. 30, 2018), <https://www.wamc.org/post/springfield-police-show-new-crime-analysis-unit>.

⁴ See BriefCam, Springfield Police Real-Time Analysis Center, credited in social media threat arrests, brings digital solutions to crime (Apr. 6, 2018), <https://www.briefcam.com/company/news/springfield-police-real-time-analysis-center-credited-social-media-threat-arrests-brings-digital-solutions-crime/>

⁵ See Drew Harwell, Unproven facial-recognition companies target schools, promising an end to shootings, The Washington Post (Jun. 7, 2018), https://www.washingtonpost.com/business/economy/unproven-facial-recognition-companies-target-schools-promising-an-end-to-shootings/2018/06/07/1e9e6d52-68db-11e8-9e38-24e693b38637_story.html?utm_term=.fdf55bdc8102.

⁶ BriefCam, BriefCam Announces Real-Time Face Recognition for Enhanced Situational Awareness (Nov. 14, 2018), <https://www.briefcam.com/company/press-releases/briefcam-announces-real-time-face-recognition-for-enhanced-situational-awareness/>.

⁷ See 950 Code Mass. Regs. ch. 32.09

⁸ *Id.*



Cc: Andrea L. Stone
Anthony I. Wilson, Esq.
MacKenzie Nekton

Kade Crockford
Director
Technology for Liberty Program
ACLU of Massachusetts