

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

April 03, 2019
SPR19/0713

Ms. Kade Crockford
ACLU of Massachusetts
211 Congress Street
Boston, MA 02110

Dear Ms. Crockford:

I have received your letter appealing the response of the Springfield Police Department to your request for records.

I have directed a member of my staff, Anastasia Moawde, to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Murray".

Rebecca S. Murray
Supervisor of Records

cc: Ms. Andrea L. Stone

Rastellini, Patricia (SEC)

From: Emiliano Falcon <efalcon@aclum.org>
Sent: Wednesday, April 03, 2019 11:37 AM
To: SEC-DL-PREWEB
Cc: Kade Crockford
Subject: Appeal to Springfield Police Department response
Attachments: Exhibit A - Springfield 3-28.pdf; Exhibit B - Springfield Appeal 3-28.pdf; Exhibit C - Springfield 3-28.pdf; Appeal Face Surveillance Springfield.pdf

Good Morning,

Please see attached.

Best,

Emiliano

Emiliano Falcon

Pronouns: he, him, his

Technology and Civil Liberties Policy Counsel
Technology for Liberty Program
American Civil Liberties Union of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x402 | efalcon@aclum.org

[Website](#) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [Youtube](#)

ACLU
Massachusetts



Massachusetts

EXHIBIT B

March 25, 2019

Sent via email

Supervisor of Public Records
Public Records Division
McCormack Building
One Ashburton Place, Room 1719
Boston, MA 02108

To Whom It May Concern:

This is an appeal under the Public Records Law, G.L. c. 66, §10A, made on behalf of the American Civil Liberties Union Foundation of Massachusetts (“ACLU”).

On March 7, 2019, I submitted a public records request on behalf of the ACLU (attached as Exhibit A) to the Springfield Police Department asking for the following records:

1. Communications between any representative of the Springfield Police Department and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the Springfield Police Department relating to any facial-recognition product or service.
3. Documents relating to the Springfield Police Department’s purchasing 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.



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6. Training materials related to any facial-recognition product or service by employees of the Springfield Police Department.
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 Springfield Police Department and elected leaders or county officials.

Massachusetts General Laws establish that “[a] custodian of a public record shall, within ten days following receipt of a request for inspection or copy of a public record, comply with such request.” G.L. c. 66, §10(b). In turn, Chapter 66, Section 10A establishes that “[i]f an agency or municipality fails to comply with a requirement of section 10 or issues a response the requestor believes in violation of section 10, the person who submitted the initial request for public records may petition the supervisor of records for a determination as to whether a violation has occurred.” After this appeal is filed, “[t]he supervisor of records shall issue a written determination regarding any petition submitted (...) not later than 10 business days following receipt of the petition by the supervisor of records.” Finally, “[u]pon a determination by the supervisor of records that a violation has occurred the supervisor of records shall order timely and appropriate relief.”

In the instant case, the Springfield Police Department did not comply with my request. I never received any written response to my request. I therefore respectfully request your office to find that there was a violation of the applicable law and so direct the Springfield Police Department to follow the law and respond to my request.

If you have any questions with respect to 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,

A handwritten signature in black ink, appearing to read 'Kade Crockford', is written over the typed name.

Kade Crockford



EXHIBIT A

March 7, 2019

Sent via U.S. Mail

Public Records Officer
Springfield Police Department
130 Pearl Street
Springfield, MA 01105

Re: Public records request related to the use of facial-recognition products or services

To whom it may concern:

This is a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, made on behalf of the American Civil Liberties Union Foundation of Massachusetts (“ACLU”).

The ACLU seeks records¹ relating to the Springfield Police Department’s plans for, acquisition of, and/or use of facial-recognition² technology, including but not limited to products and services like Amazon Rekognition, Microsoft Face API, or NEC NeoFace.

Records requested

The ACLU requests all such records created on or after January 1, 2016, including but not limited to:

1. Communications between any representative of the Springfield Police Department and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the Springfield Police Department relating to any facial-recognition product or service.
3. Documents relating to the Springfield Police Department’s purchasing 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.

¹ Throughout this request, the term “**records**” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

² In this letter, “**facial recognition**” means the automated or semi-automated process by which a person is identified or attempted to be identified based on the characteristics of his or her face.

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 by employees of the Springfield Police Department.
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 Springfield Police Department and elected leaders or county officials.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLU is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, the ACLU of Massachusetts is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to copy. We would prefer the documents in electronic format.

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.



If you have questions about this request, please contact me at (617) 482-3170 x346 or kcrockford@aclum.org.

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

Sincerely,

A handwritten signature in black ink, appearing to be "Kade Crockford". The signature is stylized and somewhat cursive, with the first name "Kade" and last name "Crockford" clearly distinguishable.

Kade Crockford
Director
Technology for Liberty Program
ACLU of Massachusetts



Massachusetts

April 3, 2019

Sent via email

Supervisor of Public Records
Public Records Division
McCormack Building
One Ashburton Place, Room 1719
Boston, MA 02108

To Whom It May Concern:

This is an appeal under Massachusetts Public Records Law¹ (“public records law”) made on behalf of the American Civil Liberties Union Foundation of Massachusetts (“ACLU”).

Pursuant to the public records law and its regulations,² after a request is submitted to a governmental agency it is the duty of the designated Record Access Officer (“RAO”) to either provide or deny access to the requested records.³ When an agency “fails to comply with a requirement of section 10 or issues a response the requestor believes in violation of section 10, the person who submitted the initial request for public records may petition the supervisor of records for a determination as to whether a violation has occurred.”⁴ After this appeal is filed, “[t]he supervisor of records shall issue a written determination regarding any petition submitted (...) not later than 10 business days following receipt of the petition by the supervisor of records.”⁵ Finally, “[u]pon a determination by the supervisor of records that a violation has occurred the supervisor of records shall order timely and appropriate relief.”⁶

On March 7, 2019, I submitted a public records request on behalf of the ACLU (attached as Exhibit A) to the Springfield Police Department (“SPD”) asking for the following records:

1. Communications between any representative of the SPD and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the SPD 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.

¹ See generally G.L. ch. 66.

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

³ See generally G.L. ch. 66, § 10; 950 Code Mass. Regs. § 32.06.

⁴ G.L. ch. 66, § 10A.

⁵ *Id.*

⁶ *Id.*



Massachusetts

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 by employees of the SPD.
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 SPD and elected leaders or county officials.

The SPD failed to answer this original request in timely manner. Hence, on March 25, and pursuant to the public records law, I submitted a petition to your office (attached as Exhibit B). I requested you to find that there had been a violation of the applicable law and to direct the SPD to answer my request.

On March 26, Andrea L. Stone, who is Springfield's Public Records Coordinator, sent me an email with the city's response to my request (attached as Exhibit C). The response does not provide any record. Instead, it attaches a letter directed to me. Anthony I. Wilson, Esq., who is Springfield City Clerk and RAO,⁷ signed the letter. The letter states that "[p]ersonnel in the Police Department have advised that there are no records that are responsive to [my] request" and that "[t]he Springfield Police Department does not use facial recognition software, products or services."

I am not satisfied with this answer. The primary purpose of the public records law is to give the public broad access to governmental records.⁸ As I shall demonstrate in the following paragraphs, I have good reason to believe the RAO's response to my records request is incomplete and inaccurate. Specifically, information in the public domain leads me to believe the SPD is in fact in possession of records regarding facial recognition technology.

The Springfield Police "Real-Time Analysis Center" and BriefCam technology

⁷ See City Clerk's Office, available at <https://www.springfield-ma.gov/cos/index.php?id=clerk>.

⁸ See *People for the Ethical Treatment of Animals, Inc. v. Dep't of Agric. Res.*, 477 Mass. 280, 281 (2017) (explaining the purpose of the statute codified in G.L. ch. 66, § 10 that sets forth the conditions under which government entities, through their records custodians, must provide access to public records).



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It is public knowledge that the SPD has a “Real-Time Analysis Center” (“Center”).⁹ The Center links “the feeds of 28 video cameras with internal and external views of seven Pride stores within the city” as well as “some 250 video cameras with internal and external views of Union Station.”¹⁰ According to reports, the Center “allows analysts to quickly review footage from traffic cameras at The X or any of several dozen locations around the city.”¹¹

According to its corporate website, BriefCam¹² is the primary software provider powering the SPD Center. BriefCam is a law enforcement vendor that provides “solutions for rapid video review and search, real-time alerting and quantitative video insights.”¹³

In June last year, the *Washington Post* reported that this company was using facial recognition software.¹⁴ The newspaper even mentions the city of Springfield, MA, and its plan to install “1,000 cameras at its roughly 60 public schools.”¹⁵ Shortly after, on November 14, the company announced BriefCam v5.3, the latest version of its software.¹⁶ This announcement confirmed the veracity of the *Post*'s reporting. BriefCam technology provides an “innovative and extensible video content analytics platform” that performs “**highly accurate face recognition**” [emphasis mine] and enhances the software “real-time alerting, search and quantitative analytics capabilities,”¹⁷ the company’s website states.

As established above, the SPD uses BriefCam software.¹⁸ Therefore, 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

⁹ 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>.

¹⁰ See Springfield police to dramatically expand video surveillance capabilities, MassLive (Apr. 30, 2018), https://www.masslive.com/news/2018/04/springfield_police_to_dramatic.html.

¹¹ See Springfield Police Real-Time Analysis Center, credited in social media threat arrests, brings digital solutions to crime, MassLive (Apr. 5, 2018), https://www.masslive.com/news/2018/04/springfield_police_real-time_a.html

¹² 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/>

¹³ See BriefCam, The Company, <https://www.briefcam.com/company/about/> (last visited Mar. 28, 2019)

¹⁴ 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.

¹⁵ *Id.*

¹⁶ 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/>.

¹⁷ 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/>.

¹⁸ See BriefCam, BriefCam v5.3 Datasheet, https://cdn2.hubspot.net/hubfs/3916087/Resources/BriefCam_v5.3_datasheet_FINAL.pdf (last visited Mar. 28, 2019).



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recognition capabilities BriefCam offers. It is safe to assume that BriefCam, as a vendor, regularly provides information about its products to its customers and potential customers. These communications and marketing materials are, if they exist, public records. Likewise, any records referencing or pertaining to BriefCam's ability to perform facial recognition are public records, and should be sent to the ACLU per my March 7, 2019 request.

For all the reasons mentioned above, I have reason to believe the response the RAO sent is inaccurate and incomplete. I therefore respectfully request that your office (1) finds that there was a violation of the applicable law because the RAO and the SPD withheld documents with no valid reason or without referencing any of the legal exemptions and (2) orders as appropriate relief that the SPD and the RAO follow state law and provide the ACLU with all the records in its possession that relate to facial recognition.

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,

A handwritten signature in black ink, appearing to read 'Kade Crockford', is written over a faint, circular stamp.

Kade Crockford
Director
Technology for Liberty Program
ACLU of Massachusetts



EXHIBIT A

March 7, 2019

Sent via U.S. Mail

Public Records Officer
Springfield Police Department
130 Pearl Street
Springfield, MA 01105

Re: Public records request related to the use of facial-recognition products or services

To whom it may concern:

This is a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, made on behalf of the American Civil Liberties Union Foundation of Massachusetts (“ACLU”).

The ACLU seeks records¹ relating to the Springfield Police Department’s plans for, acquisition of, and/or use of facial-recognition² technology, including but not limited to products and services like Amazon Rekognition, Microsoft Face API, or NEC NeoFace.

Records requested

The ACLU requests all such records created on or after January 1, 2016, including but not limited to:

1. Communications between any representative of the Springfield Police Department and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the Springfield Police Department relating to any facial-recognition product or service.
3. Documents relating to the Springfield Police Department’s purchasing 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.

¹ Throughout this request, the term “**records**” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

² In this letter, “**facial recognition**” means the automated or semi-automated process by which a person is identified or attempted to be identified based on the characteristics of his or her face.

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 by employees of the Springfield Police Department.
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 Springfield Police Department and elected leaders or county officials.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLU is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, the ACLU of Massachusetts is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to copy. We would prefer the documents in electronic format.

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.



If you have questions about this request, please contact me at (617) 482-3170 x346 or kcrockford@aclum.org.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kade Crockford". The signature is stylized and somewhat cursive.

Kade Crockford
Director
Technology for Liberty Program
ACLU of Massachusetts

EXHIBIT C

Subject: FW: CROCKFORD, KADE #R000790-032619 RESPONSE
Attachments: CROCKFORD, KADE #R000790-032619 RESPONSE WITH ATTACHMENTS.pdf;
SPR19-0614 RESPONSE TO SOC [CROCKFORD, KADE #R000790-032619].pdf

Importance: High

From: Stone, Andrea <astone@springfieldcityhall.com>
Sent: Tuesday, March 26, 2019 1:58 PM
To: Kade Crockford
Subject: CROCKFORD, KADE #R000790-032619 RESPONSE

The City's response to your public records request is attached.

Should you be aggrieved by this response, you may appeal to the Supervisor of Public Records in the Massachusetts Secretary of State's Office pursuant to 950 CMR 32.00 and G.L.c. 66, §10(b).

Andrea L. Stone
Public Records Coordinator
City of Springfield, City Clerk's Office
36 Court Street, Room 123
Springfield, MA 01103

This e-mail message is generated from the City of Springfield City Clerk's Office, and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return e-mail and delete it from your computer system.

Anthony I. Wilson, Esq.

City Clerk

City of Springfield
Office of the City Clerk
36 Court Street
Springfield, MA 01103
Direct Dial: (413) 736-3111
Fax: (413) 787-6502
Email: awilson@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

March 26, 2019

VIA EMAIL: pre@sec.state.ma.us

Rebecca S. Murray, Esq.
Supervisor of Public Records
Division of Public Records
Office of the Secretary of the Commonwealth
One Ashburton Place, Room 1719
Boston, MA 02108

Re: SPR19-0614

Dear Attorney Murray:

The City's response to petition #SPR19-0614 is attached.

Please contact either myself at the above number, or the Public Records Coordinator, Andrea L. Stone, at astone@springfieldcityhall.com with any questions.

Sincerely,

A handwritten signature in cursive that reads "Anthony I. Wilson". To the right of the signature, the initials "CA" are written inside a hand-drawn circle.

Anthony I. Wilson, Esq.
City Clerk
Records Access Officer

AIW:als

Cc: Kade Crockford, Esq.
ACLU of Massachusetts

Enclosure

Anthony I. Wilson, Esq.

City Clerk

City of Springfield
Office of the City Clerk
36 Court Street
Springfield, MA 01103
Office: (413) 736-3111
Fax: (413) 787-6502
Email: awilson@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

March 26, 2019

Kade Crockford, Esq.
ACLU of Massachusetts
Boston, MA

RE: Public Records Request #R000790-032619

Dear Attorney Crockford:

This letter is in response to your public records request to the City of Springfield for: Records related to the Springfield Police Department's use of facial recognition products or services. See attached March 7, 2019 letter to Springfield Police Department and March 25, 2019 letter to Supervisor of Public Records Rebecca S. Murray, Esq., from the ACLU of Massachusetts.

Personnel in the Police Department have advised that there are no records that are responsive to your request. The Springfield Police Department does not use facial recognition software, products or services.

Future public records requests for all departments of the City of Springfield, Massachusetts, including the Police Department should be submitted to:

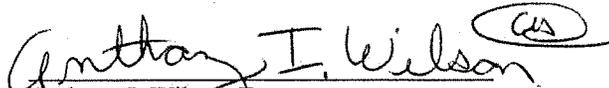
<https://springfieldma.mycusthelp.com/WEBAPP/>

Or the City's website <https://www.springfield-ma.gov/cos/> info & answers/ Public Records.

Should you be aggrieved by this response, you may appeal to the Supervisor of Public Records in the Massachusetts Secretary of State's Office pursuant to 950 CMR 32.00 and G.L.c. 66, §10(b).

Please contact either myself at the above number, or the Public Records Coordinator, Andrea L. Stone, with any questions. Please reference public records request #R000790-032619 in all correspondence related to this request.

Sincerely,



Anthony I. Wilson, Esq.

City Clerk

AIW:als

Cc: Rebecca S. Murray, Esq.
SOC Public Records Division



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Massachusetts

RECEIVED

2019 MAR 26 12:29

DIV. 7 CLERK'S OFFICE
SPRINGFIELD, MA
March 25, 2019

Sent via email

Supervisor of Public Records
Public Records Division
McCormack Building
One Ashburton Place, Room 1719
Boston, MA 02108

To Whom It May Concern:

This is an appeal under the Public Records Law, G.L. c. 66, §10A, made on behalf of the American Civil Liberties Union Foundation of Massachusetts ("ACLU").

On March 7, 2019, I submitted a public records request on behalf of the ACLU (attached as Exhibit A) to the Springfield Police Department asking for the following records:

1. Communications between any representative of the Springfield Police Department and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the Springfield Police Department relating to any facial-recognition product or service.
3. Documents relating to the Springfield Police Department's purchasing 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.
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 - 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.



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Massachusetts

RECEIVED

2019 MAR 26 P 12:29

CITY CLERK'S OFFICE
SPRINGFIELD, MA

6. Training materials related to any facial-recognition product or service by employees of the Springfield Police Department.
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 Springfield Police Department and elected leaders or county officials.

Massachusetts General Laws establish that “[a] custodian of a public record shall, within ten days following receipt of a request for inspection or copy of a public record, comply with such request.” G.L. c. 66, §10(b). In turn, Chapter 66, Section 10A establishes that “[i]f an agency or municipality fails to comply with a requirement of section 10 or issues a response the requestor believes in violation of section 10, the person who submitted the initial request for public records may petition the supervisor of records for a determination as to whether a violation has occurred.” After this appeal is filed, “[t]he supervisor of records shall issue a written determination regarding any petition submitted (...) not later than 10 business days following receipt of the petition by the supervisor of records.” Finally, “[u]pon a determination by the supervisor of records that a violation has occurred the supervisor of records shall order timely and appropriate relief.”

In the instant case, the Springfield Police Department did not comply with my request. I never received any written response to my request. I therefore respectfully request your office to find that there was a violation of the applicable law and so direct the Springfield Police Department to follow the law and respond to my request.

If you have any questions with respect to 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,

Kade Crockford



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EXHIBIT A

2019 MAR 26 12:28

CITY CLERK'S OFFICE
SPRINGFIELD March 7, 2019

Sent via U.S. Mail

Public Records Officer
Springfield Police Department
130 Pearl Street
Springfield, MA 01105

Re: Public records request related to the use of facial-recognition products or services

To whom it may concern:

This is a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, made on behalf of the American Civil Liberties Union Foundation of Massachusetts ("ACLU").

The ACLU seeks records¹ relating to the Springfield Police Department's plans for, acquisition of, and/or use of facial-recognition² technology, including but not limited to products and services like Amazon Rekognition, Microsoft Face API, or NEC NeoFace.

Records requested

The ACLU requests all such records created on or after January 1, 2016, including but not limited to:

1. Communications between any representative of the Springfield Police Department and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the Springfield Police Department relating to any facial-recognition product or service.
3. Documents relating to the Springfield Police Department's purchasing 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.

¹ Throughout this request, the term "records" includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

² In this letter, "facial recognition" means the automated or semi-automated process by which a person is identified or attempted to be identified based on the characteristics of his or her face.



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
Massachusetts

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CITY CLERK'S OFFICE
SPRINGFIELD, MA

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 by employees of the Springfield Police Department.
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 Springfield Police Department and elected leaders or county officials.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLU is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, the ACLU of Massachusetts is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to copy. We would prefer the documents in electronic format.

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.

ACLU

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FOUNDATION

Massachusetts

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2019 MAR 26 12:28

CITY CLERK'S OFFICE
SPRINGFIELD, MA

If you have questions about this request, please contact me 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 Program
ACLU of Massachusetts

GovQA - SPRINGFIELDMA - Andrea Stone

Date

On 3/26/2019 12:12:23 PM, System Generated Message:

Subject: Public Records Request :: R000790-032619

Body:



Dear Kade Crockford, Esq.:

The City of Springfield is in receipt of your public records request.

Your request has been forwarded to the appropriate department[s] and a response will be sent to you as soon as we have obtained and reviewed any document[s] that may be responsive to your request. Your request was received in this office on 3/26/2019 and given the reference number R000790-032619 for tracking purposes.

Pursuant to M.G.L. c. 66, § 10(b) the City has ten [10] business days to respond to your request.

Should you be aggrieved by this response, you may appeal to the Supervisor of Public Records in the Massachusetts Secretary of State's Office pursuant to 950 CMR 32.00 and M.G.L. c. 66, § 10(b).

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Thank you for using the Public Records Center.

The City of Springfield

To monitor the progress or update this request please log into the [Public Records Center](#)



On 3/26/2019 12:12:22 PM, Andrea Stone wrote:
Request was created by staff

Request Details

Reference No:	R000790-032619
Created By:	Andrea Stone
Create Date:	3/26/2019 12:12 PM
Update Date:	3/26/2019 12:21 PM
Completed/Closed:	No
Required Completion Date:	4/9/2019
Status:	Received
Priority:	Low
Assigned Dept:	City Clerk
Assigned Staff:	Andrea Stone
Customer Name:	Kade Crockford, Esq.

GovQA - SPRINGFIELDMA - Andrea Stone

Email Address: kcrockford@adum.org

Phone: 6177823170346

Group: (Not Specified)

Source: Letter