

Massachusetts Sheriffs' Association

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July 12, 2010

Laura Rotolo
Staff Attorney
American Civil Liberties Union
Foundation of Massachusetts
211 Congress Street
Boston, Massachusetts 02110

Dear Ms. Rotolo:

Thank you for your patience while awaiting receipt of this written response to your correspondence of June 17, 2010. This communication follows our telephone conversation of Thursday, July 08.

To begin, I am confirming via this response my telephone statement to you on July 08 concerning your reference in your noted correspondence of June 17 to the MORIS (Mobile Offender Recognition and Identification System) component and the demonstration of it on June 14, 2010: Specifically, I am confirming my statement during our conversation that I have conducted only conceptual and contemplative discussions with BI2 Technologies regarding prospective addition of the MORIS component to the BI2 Technologies-MSA contracted scope-of-services involved with an on-going federally funded expansion of an existing Essex County Facial Recognition Technology (FRT) program into the other Massachusetts Sheriffs jurisdictions. Additionally, I am confirming via this written response that I have had only discussions concerning this prospective addition, and, as of this date, the Massachusetts Sheriffs' Association (MSA) has NOT executed a Contract amendment by written or verbal means with BI2 Technologies to add the noted MORIS component to our intended Project Implementation Plan.

For your further edification, this noted on-going Project entails the upgrade of an existing Facial Recognition Technology (FRT) program at the Essex County Sheriff's Department and expansion of it into the other Massachusetts Sheriffs' jurisdictions. It will also entail networking into two (2) to-be-selected police departments per county.

Funding of this upgrade and expansion is by means of a federal Grant (aka award) from the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) in the DOJ's Bureau of Justice Assistance. It is a one-time non-hiring all-technology award of \$222,134; we have set-aside approximately ten-percent for in-direct costs, including charge-back expenses assessed by the Commonwealth of MA Office of the State Comptroller. The balance of approximately \$202,000 constitutes the available Project budget for the noted upgrade and expansion. No MSA or other State funds are being applied to this effort.

Attorney Laura Rotolo
American Civil Liberties Union
Foundation of Massachusetts

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Given that I have conducted only prospective discussions with BI2 Technologies concerning the MORIS component, I do not have documents relating specifically to it other than the printed copies of e-mails that confirm intentions to explore the possible addition of the component. In specific response to your request for documents as detailed on page two of your correspondence of June 17, I am responding as follows:

In your request No. 1 of June 17, you ask for:

“Any documents describing the funding source for the deployment of the MORIS system in Brockton, Plymouth County or any other city, town or county in Massachusetts, including request for proposals, grant applications and grant approval documents.”

Enclosed, please find a copy of the MSA federal grant application. Additionally, please find a copy of a federal grant award Letter; you will see that I am also enclosing the MSA Invitation for Responses from prospective vendor respondents. Please note in each of these submissions, you will not find any reference to the MORIS component.

In your request No. 2 of June 17, you ask for:

“A copy of any contract between BI2 Technologies and the City of Brockton, the Brockton Police Department, the County of Plymouth or any other city, town or entity in Massachusetts.”

The MSA does not possess any such contract.

In your request No. 3 of June 17, you ask for:

“All written communications, including electronic communications, between the Massachusetts Sheriffs’ Association and BI2 Technologies regarding the MORIS system or any other technology that BI 2 Technologies is or may be developing or providing to cities, towns and counties in Massachusetts.”

Enclosed, please find printed copies of e-mails dated April 29, 2010 that attest to a discussion between me and Mr. Sean Mullin concerning the MORIS device which we initially discussed on March 29, 2010. Please note the e-mail at 11:43 a.m. on that date specifically cites an exploration of a *possible* purchase but indicates no such agreement was in place.

Attorney Laura Rotolo
American Civil Liberties Union
Foundation of Massachusetts

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Additionally, in response to your request No. 3, I am enclosing a copy of an executed Goods and Services Agreement dated March 29, 2010 between the Massachusetts Sheriffs' Association and BI2 Technologies, LLC., and a copy of a Project Implementation Plan and Payment Schedule for Upgrade and Expansion of Facial Recognition System for the Massachusetts Sheriffs' Association dated March 29, 2010.

In your request No. 4 of June 17, you ask for:

"Any document that includes a description of the databases to which the MORIS system will have access."

The MSA does not possess any such document specific to the noted MORIS system.

In your request No. 5 of June 17, you ask for:

"Any document that includes a description of the database or location where images, iris scans, fingerprints, or other biometric information created and uploaded using the MORIS system will be sent."

A Project Kick-Off Meeting on May 12, 2010 in Auburn, MA included a discussion of the approach and method that will be undertaken to construct a statewide facial image database. This discussion did not include any reference to the MORIS system. Your request, however, seeks information that the MSA considers privileged and directly related to the secure operations of county corrections facilities; the disclosure of information in response to your request No. 5 might prejudice the possibility of effective law enforcement and, as such, disclosure would not be in the public interest. Please see M.G.L. c.4, ss 7 cl. Twenty-sixth (f).

In your request No. 6 of June 17, you ask for:

"Any documents that include technical descriptions or technical specifications of 2D – 3D facial recognition technology which will be used, including any."

A Project Kick-Off Meeting on May 12, 2010 in Auburn, MA included a discussion of the approach and method that will be undertaken to construct a statewide facial image database. This discussion did not include any reference to the MORIS system. Your request, however, seeks information that the MSA considers privileged and directly related to the secure operations of county corrections facilities; the disclosure of information in response to your request No. 6 might prejudice the possibility of effective law enforcement and, as such, disclosure would not be in the public interest. Please see M.G.L. c.4, ss 7 cl. Twenty-sixth (f).

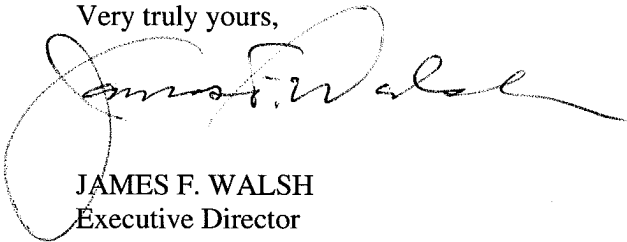
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Please note: You have the right to appeal the response I have offered in response to your request items No. 5 and No. 6. You may do so by contacting the supervisor of public records, pursuant to 950 C.M.R. 32.00 and M.G. L. c. 66 ss 10.

Thank you, again, for your patience while awaiting the submission of this written confirmation and response.

Very truly yours,

A handwritten signature in black ink, appearing to read "James F. Walsh". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

JAMES F. WALSH
Executive Director

cc: Sheriff Michael G. Bellotti, MSA President