

EXHIBIT 1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

AMERICAN CIVIL LIBERTIES UNION,
AMERICAN CIVIL LIBERTIES UNION OF
ILLINOIS, CHICAGO ALLIANCE AGAINST
SEXUAL EXPLOITATION, SEX WORKERS
OUTREACH PROJECT CHICAGO,
ILLINOIS STATE PUBLIC INTEREST
RESEARCH GROUP, INC., and MUJERES
LATINAS EN ACCIÓN,

Plaintiffs,

v.

CLEARVIEW AI, INC., a Delaware
corporation,

Defendant.

Case No.: 2020 CH 04353

Calendar 11

Honorable Pamela McLean Meyerson

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO DISMISS

TABLE OF CONTENTS

BACKGROUND.....2

STANDARD OF REVIEW.....4

ARGUMENT4

I. Clearview is subject to personal jurisdiction in Illinois4

A. Clearview has contracted to—and did—sell access to its biometric database in Illinois, which is sufficient for jurisdiction.....5

B. Clearview also targeted Illinois in other ways7

C. It is reasonable to litigate this case in Illinois.....9

II. Illinois is allowed to regulate Clearview’s violation of the rights of Illinois citizens10

A. Applying BIPA to Clearview does not violate extraterritoriality principles10

B. Applying BIPA to Clearview does not violate the dormant Commerce Clause12

III. The First Amendment does not bar Plaintiffs’ claim.....14

A. BIPA, including as applied to Clearview, satisfies the First Amendment as a regulation of conduct subject to intermediate scrutiny under *United States v. O’Brien*.....14

B. BIPA survives *O’Brien* scrutiny18

1. Illinois has the power to regulate the capture of biometric identifiers18

2. BIPA furthers substantial governmental interests18

3. The government’s interest in BIPA is not related to the suppression of free expression.....20

4. The incidental restriction on speech is no greater than is essential to further the government’s interest21

IV. A photograph is not a “biometric identifier,” but facial geometry is23

CONCLUSION.....25

TABLE OF AUTHORITIES

United States Supreme Court Cases

<i>Bartnicki v. Vopper</i> , 532 U.S. 514 (2001)	15
<i>Branzburg v. Hayes</i> , 408 U.S. 665 (1972)	15
<i>Burger King Corp. v. Rudzewicz</i> , 471 U.S. 462 (1985)	6, 10
<i>Clark v. Cmty. for Creative Non-Violence</i> , 468 U.S. 288 (1984)	20
<i>Kyllo v. United States</i> , 533 U.S. 27 (2001)	16
<i>R.A.V. v. City of St. Paul, Minn.</i> , 505 U.S. 377 (1992)	20
<i>Reed v. Town of Gilbert, Ariz.</i> , 576 U.S. 155 (2015)	21
<i>Skinner v. Ry. Labor Executives' Ass'n</i> , 489 U.S. 602 (1989)	17
<i>Sorrell v. IMS Health Inc.</i> , 564 U.S. 552 (2011)	20, 21
<i>Texas v. Johnson</i> , 491 U.S. 397 (1989)	20
<i>Turner Broad. Sys., Inc. v. F.C.C.</i> , 512 U.S. 622 (1994)	16, 21
<i>United States v. O'Brien</i> , 391 U.S. 367 (1968)	<i>passim</i>

United States Appellate Court Cases

<i>Bryant v. Compass Grp. USA, Inc.</i> , 958 F.3d 617 (7th Cir. 2020)	15, 18
<i>Curry v. Revolution Labs, LLC</i> , 949 F.3d 385 (7th Cir. 2020)	7

<i>Illinois v. Hemi Grp., LLC</i> , 622 F.3d 754 (7th Cir. 2010)	9
<i>Int’l Dairy Foods Ass’n v. Boggs</i> , 622 F.3d 628 (6th Cir. 2010)	12
<i>Midwest Title Loans, Inc. v. Mills</i> , 593 F.3d 660 (7th Cir. 2010)	13
<i>Miller v. Sw. Airlines Co.</i> , 926 F.3d 898 (7th Cir. 2019)	19
<i>Morrison v. YTB Int’l, Inc.</i> , 649 F.3d 533 (7th Cir. 2011)	11, 12
<i>Norman-Bloodsaw v. Lawrence Berkeley Lab.</i> , 135 F.3d 1260 (9th Cir. 1998)	17
<i>Park Pet Shop, Inc. v. City of Chicago</i> , 872 F.3d 495 (7th Cir. 2017)	12
<i>Patel v. Facebook, Inc.</i> , 932 F.3d 1264 (9th Cir. 2019)	<i>passim</i>
<i>Wollschlaeger v. Governor, Fla.</i> , 848 F.3d 1293 (11th Cir. 2017)	20
United States District Court Cases	
<i>Bray v. Lathem Time Co.</i> , No. 19-3157, 2020 WL 1492742 (C.D. Ill. Mar. 27, 2020)	9
<i>Gullen v. Facebook.com, Inc.</i> , No. 15 C 7681, 2016 WL 245910 (N.D. Ill. Jan. 21, 2016)	7
<i>In re Facebook Biometric Info. Privacy Litig.</i> , 185 F. Supp. 3d 1155 (N.D. Cal. 2016)	23, 24
<i>In re Facebook Biometric Info. Privacy Litig.</i> , 326 F.R.D. 535 (N.D. Cal. 2018)	10
<i>In re Facebook Biometric Info. Privacy Litig.</i> , No. 3:15-CV-03747-JD, 2018 WL 2197546 (N.D. Cal. May 14, 2018)	13
<i>Jian Zhang v. Baidu.com Inc.</i> , 10 F. Supp. 3d 433 (S.D.N.Y. 2014)	17

<i>Monroy v. Shutterfly, Inc.</i> , No. 16 C 10984, 2017 WL 4099846 (N.D. Ill. Sept. 15, 2017)	23, 24
<i>Mutnick v. Clearview AI, Inc.</i> , No. 20 C 0512, 2020 WL 4676667 (N.D. Ill. Aug. 12, 2020).....	5, 7
<i>Rivera v. Google Inc.</i> , 238 F. Supp. 3d 1088 (N.D. Ill. 2017).....	<i>passim</i>
<i>United Phosphorus, Ltd. v. Angus Chem. Co.</i> , 43 F. Supp. 2d 904 (N.D. Ill. 1999).....	7
<i>Vance v. Int’l Business Machines Corp.</i> , No. 20 C 577, 2020 WL 5530134 (N.D. Ill. Sept. 15, 2020)	23
Illinois Supreme Court Cases:	
<i>Avery v. State Farm Mut. Auto Ins. Co.</i> , 216 Ill. 2d 100 (2005).....	10, 11
<i>Carle Found. v. Cunningham Twp.</i> , 2017 IL 120427	13
<i>City of Chicago v. Alexander</i> , 2017 IL 120350	21
<i>In re Minor</i> , 149 Ill. 2d. 247 (1992).....	17
<i>People v. Austin</i> , 2019 IL 123910	14
<i>People v. Hunter</i> , 2017 IL 121306	24
<i>People v. Melongo</i> , 2014 IL 114852	16
<i>People v. Williams</i> , 235 Ill. 2d 178 (2009).....	23
<i>People ex rel. Madigan v. Kinzer</i> , 232 Ill. 2d 179 (2009).....	25
<i>Rosenbach v. Six Flags Ent. Corp.</i> , 2019 IL 123186	

<i>Russell v. SNFA</i> , 2013 IL 113909	4, 6
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Illinois Appellate Court Cases:

<i>Adams ex rel. Adams v. Harrah’s Maryland Heights Corp.</i> , 338 Ill. App. 3d 745 (5th Dist. 2003)	9
<i>Benton v. Little League Baseball, Inc.</i> , 2020 IL App (1st) 190549	4
<i>City of Chicago v. Alexander</i> , 2015 IL App (1st) 122858-B	21
<i>Dixon v. GAA Classic Cars, LLC</i> , 2019 IL App (1st) 182416	9
<i>Howle v. Aqua Illinois, Inc.</i> , 2012 IL App (4th) 120207	4
<i>Jorgenson v. Berrios</i> , 2020 IL App (1st) 191133	12
<i>In re Minor</i> , 205 Ill. App. 3d 480 (4th Dist. 1990)	17
<i>Innovative Garage Door Co. v. High Ranking Domains, LLC</i> , 2012 IL App (2d) 120117	9
<i>Morgan, Lewis & Bockius LLP v. City of E. Chicago</i> , 401 Ill. App. 3d 947 (1st Dist. 2010).....	5, 9
<i>People v. Arguello</i> , 327 Ill. App. 3d 984 (1st Dist. 2002).....	21
<i>Zazove v. Pelikan, Inc.</i> , 326 Ill. App. 3d 798 (1st Dist. 2001).....	8

Illinois Circuit Court Cases:

<i>Zaluda v. Apple Inc</i> , 2019-CH-11771 (Cir. Ct. Cook Cty. Oct. 10, 2019)	25
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Statutory Provisions:

735 ILCS 5/2-615	4
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735 ILCS 5/2-619	4
740 ILCS 14.....	<i>passim</i>
Tex. Bus. & Com. Code Ann. § 503.001.....	22
Wash. Rev. Code § 19.375.020	22
Other Authorities:	
HB 6074 (2016), Senate Amdt. 1	24
<i>Samsung S8 ‘Eye Security’ Fooled by Photo</i> , BBC News (May 23, 2017), https://www.bbc.com/news/technology-40012990	25
Thomas Brewster, <i>Inside America’s Secret \$2 Billion Research Hub</i> , Forbes (July 13, 2020), https://www.forbes.com/sites/thomasbrewster/2020/07/13/inside-americas-secretive-2-billion-research-hub-collecting-fingerprints-from-facebook-hacking-smartwatches-and-fighting-covid-19/#293521ad2052	25
Wendy Davis, <i>Illinois Privacy Law Tested By ‘Faceprint’ Cases</i> , MEDIA POST, (Aug. 6, 2015), https://www.mediapost.com/publications/article/255620/illinois-privacy-law-tested-by-faceprint-	25

Surreptitiously, and without consent, Defendant Clearview AI, Inc. (“Clearview”) captured the unique biometric identifiers of countless Illinoisans and used them to amass what it calls the “world’s best facial recognition technology combined with the world’s largest database of headshots.” (Compl. ¶ 55.) Clearview relies on “faceprints,” which are biometrics calculated using measurements between various features on an individual’s face.

Because everyone’s face is different, everyone’s faceprint is unique—much like everyone’s fingerprint or DNA profile. Unlike a social security or passport number, once compromised, a person cannot change their faceprint or protect it. Nonconsensual capture therefore presents a serious risk to security and enables intrusive tracking that invades privacy.

Illinois, fortunately, has taken steps to curb such abuses. Passed in 2008, the Biometric Information Privacy Act (“BIPA”), 740 ILCS 14, requires entities that wish to collect biometric identifiers like a faceprint from an individual to first provide notice, and obtain informed written consent, from that person. These protections, which our Supreme Court has noted are “particularly crucial in our digital world,” *Rosenbach v. Six Flags Entm’t Corp.*, 2019 IL 123186, ¶ 34, ensure that Illinoisans retain control over their biometric identifiers.

Clearview violated BIPA, thereby violating the privacy and security of Illinoisans. Even though Clearview marketed its massive database to dozens of entities in Illinois—and even though the database undoubtedly contains the faceprints of millions of Illinoisans—Clearview failed to provide notice or obtain consent from any of the affected individuals. Plaintiffs are organizations whose members have been harmed by Clearview’s nonconsensual capture of their faceprints. On behalf of their members, they seek retrospective and prospective injunctive relief.

Clearview’s bid to dismiss Plaintiffs’ lawsuit falls flat at every turn. First, Clearview contends that Illinois courts do not have jurisdiction over it. A federal court in Chicago recently

rejected this argument, and this Court should, too. Clearview is subject to this Court’s jurisdiction because it collected the biometric identifiers of Illinoisans, and then used those Illinoisans’ identifiers in a database it provided to Illinois entities.

Second, Clearview is incorrect that Plaintiffs’ claim violates Illinois’s rule against the extraterritorial application of its laws, or the dormant Commerce Clause. Illinois has the power to regulate what companies do with Illinoisans’ biometric data. This requires no extraterritorial application of the law and interferes with no other states’ regulation.

Third, applying BIPA to Clearview does not violate the First Amendment. BIPA’s notice-and-consent requirement regulates conduct, not speech. To the extent that BIPA has an incidental effect on Clearview’s speech, the law survives First Amendment scrutiny—including as applied to Clearview—because it advances the state’s substantial interests in protecting Illinoisans’ privacy and security, and it neither seeks to, nor in fact does, suppress expression.

Finally, Clearview asserts that BIPA does not prohibit the collection of faceprints from photographs. Every court to have considered this argument has rejected it, as it conflicts with BIPA’s plain language, and with common sense. The motion to dismiss should be denied.

BACKGROUND

Pursuant to BIPA, entities must provide notice to and obtain individualized, informed, and written consent from individuals before capturing their biometric identifiers. 740 ILCS 14/15(b). BIPA defines a “biometric identifier” as a “retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry” (*i.e.*, a unique algorithmic or mathematical representation of physical features allowing for personal identification). 740 ILCS 14/10. These protections are necessary because biometric identifiers are “biologically unique to the individual; therefore, once compromised, the individual has no recourse, [and] is at heightened risk for identity theft” and

other privacy harms. 740 ILCS 14/5(c).

In January 2020, the New York Times revealed that Clearview had used face recognition technology to surreptitiously capture more than three billion faceprints from images gathered from across the internet. Compl. ¶¶ 1, 6–7, 44. The faceprints captured by Clearview are scans of face geometry, and therefore are a “biometric identifier” subject to BIPA’s protections. *Id.* ¶ 31. Yet Clearview captured these billions of faceprints, including those of countless Illinoisans, without providing notice to or obtaining consent from individuals. *Id.* ¶ 6. Clearview has sold or provided access to its faceprint database to thousands of public and private entities, including more than 105 corporations and government agencies in Illinois. *Id.* ¶¶ 8, 62. Those entities are able to use Clearview’s system to instantaneously capture faceprints from a photograph, enabling covert and remote surveillance of Americans on a massive scale. *Id.* ¶ 6. And Clearview’s mass faceprint database is vulnerable to data breaches and hacks. *See id.* ¶ 63.

Plaintiffs are six organizations suing on behalf of their members, clients, and program participants in Illinois who have uploaded images of themselves to the internet, and who have been, and continue to be, subjected to surreptitious and nonconsensual capture of their faceprints from those photographs by Clearview. *Id.* ¶¶ 11–15, 45–47. These individuals—including survivors of domestic violence and sexual assault, undocumented immigrants, current and former sex workers, individuals who regularly exercise their constitutional rights to protest and access reproductive healthcare services, and others—have particular reasons to fear the loss of privacy, anonymity, and security caused by Clearview’s practices. *Id.* ¶¶ 34–36, 38. For example, Plaintiff Mujeres Latinas en Acción provides services to survivors of domestic violence and sexual assault, and many of its program participants are undocumented immigrants. *Id.* ¶ 38.

By divesting these individuals of control over and security in their sensitive biometric

identifiers and threatening to make it trivially easy to identify and track them both online and in the physical world, Clearview’s system exposes them to stalking, harassment, and violence. *Id.* ¶¶ 34–36, 38. Clearview’s conduct raises precisely the concerns with widespread surreptitious capture of biometric identifiers that motivated passage of BIPA a dozen years ago. *Id.* ¶ 9.

STANDARD OF REVIEW

Clearview does not specify the civil code section under which it has filed its motion, but it appears to raise arguments under both 735 ILCS 5/2-615 and 735 ILCS 5/2-619.¹ Such motions “admit all well-pleaded facts together with all reasonable inferences that can be gleaned from those facts.” *Benton v. Little League Baseball, Inc.*, 2020 IL App (1st) 190549, ¶ 28. “A motion to dismiss pursuant to section 2-615 attacks the legal sufficiency of the complaint, and the essential question is whether the allegations of the complaint, when construed in the light most favorable to the plaintiff, are sufficient to establish a cause of action upon which relief may be granted.” *Id.* “A section 2-619 motion, on the other hand, raises defects or defenses that negate plaintiff’s cause of action completely[.]” *Id.* While the parties can introduce matters outside of the pleadings solely regarding personal jurisdiction, “any conflicts in the pleadings and affidavits must be resolved in the plaintiff’s favor.” *Russell v. SNFA*, 2013 IL 113909, ¶ 28.

ARGUMENT

I. Clearview is subject to personal jurisdiction in Illinois.

This Court has specific jurisdiction over Clearview. In Illinois, to establish specific jurisdiction, a plaintiff need only allege that (1) the defendant has sufficient “‘minimum contact’

¹ Plaintiffs note that 735 ILCS 5/2-619.1 requires defendants who file a combined motion to specify which code section applies to each part of the motion. *See Howle v. Aqua Illinois, Inc.*, 2012 IL App (4th) 120207, ¶ 73 (“trial courts should not—and need not—accept for consideration combined motions under section 2–619.1 that do not meet these statutory requirements” and “should *sua sponte* reject such motions[.]”).

with Illinois such that there was ‘fair warning’ that the nonresident defendant may be haled into an Illinois court[.]” (2) “the action arose out of or related to the defendant’s contacts with Illinois[.]” and (3) “it is reasonable to require the defendant to litigate in Illinois.” *Morgan, Lewis & Bockius LLP v. City of E. Chicago*, 401 Ill. App. 3d 947, 954 (1st Dist. 2010).

Here, as alleged in the Complaint and as evidenced by the Declarations of Freddy Martinez and Nathan Freed Wessler and their accompanying exhibits, Clearview has extensive contacts with Illinois, those contacts relate to Plaintiffs’ cause of action, and it is reasonable to require Clearview to litigate in Illinois. As an Illinois federal court recently held, Clearview is subject to suit in Illinois for BIPA violations because “[t]aking] biometric information from Illinois residents, creat[ing] a surveillance database, and then market[ing] and s[elling] licenses to use this database to entities in Illinois” suffices to establish personal jurisdiction in Illinois. *Mutnick v. Clearview AI, Inc.*, No. 20C0512, 2020 WL 4676667, at *2 (N.D. Ill. Aug. 12, 2020).

A. Clearview has contracted to—and did—sell access to its biometric database in Illinois, which is sufficient for jurisdiction.

Clearview has extensive contacts with Illinois. The company has provided its faceprint database to more than 105 public and private entities in Illinois, ranging from the Springfield, Naperville, and Chicago police departments, to the Illinois Secretary of State’s office, to the Chicago Cubs. Compl. ¶ 62; Decl. of Nathan Freed Wessler, Ex. 1 and attached Exs. A–C; Decl. of Freddy Martinez, Ex. 2 and attached Exs. A–B. Clearview has facilitated thousands of searches of its database by these Illinois entities. Compl. ¶ 62 (Macon County Sheriff’s Office and Naperville Police Department searched Clearview’s database a combined 3,700 times); Wessler Decl. Ex. A at 12 (Illinois Secretary of State’s office has “clock[ed] nearly 9,000 [face recognition] scans”—the second most of any Clearview user).

Clearview acknowledges that it has a significant number of in-state contacts, but contends they are irrelevant. As Clearview sees things, Plaintiffs' claim that Clearview collected Illinoisans' biometric identifiers in violation of BIPA is "[un]related to" why Clearview went to the trouble of collecting those identifiers—selling access to them to make money. But the Illinois Supreme Court has observed that the standard for what is "related to" conduct giving rise to a suit is "lenient or flexible[,] and should be interpreted in view of a defendant's business as a whole. *Russell v. SNFA*, 2013 IL 113909, ¶ 83.

In *Russell*, a plaintiff's estate brought a wrongful death suit after a helicopter crash, naming as the defendant a French company (SNFA) that manufactured a custom bearing used in the helicopter. *Id.* ¶ 1. The helicopter was manufactured in Italy, and SNFA had no direct contacts with Illinois for helicopter bearings—they merely provided them to a global distributor. *Id.* ¶¶ 5–6. SNFA's only contact with Illinois involved bearings for fixed-wing aircrafts, which it contended was unrelated to the at-issue helicopter bearings. *Id.* ¶¶ 15, 82. Our Supreme Court held that the business, "manufacturing custom-made bearings for the aerospace industry," should be viewed as a whole, and therefore concluded that SNFA's Illinois contacts were related to the plaintiff's claim. *Id.* ¶ 84; see *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 479 (1985) (establishing minimum contacts entails looking at "prior negotiations and contemplated future consequences, along with the terms of the contract and the parties' actual course of dealing").

Here, Clearview's Illinois-connected conduct is far more closely related to Plaintiffs' claim: the very business Clearview sought (and obtained) in Illinois was premised on the nonconsensual collection of biometric identifiers. As the Complaint makes clear, Clearview's capture of Illinoisans' faceprints, consolidation of those faceprints in a massive database, and offer of that database for sale to Illinois entities is a single course of conduct—the contracts for

sale of biometric data are more related to Clearview’s illegal collection of that data than SNFA’s contract to sell airplane bearings was to helicopter bearings sold separately through a distributor. Compl. ¶¶ 6–8; *see Mutnick*, 2020 WL 4676667, at *2. Without a plan to sell access to Illinoisans’ faceprints, Clearview would not have captured them—and, without capturing them, Clearview could not have successfully sold its database in Illinois. *See* Compl. ¶¶ 46, 51, 62; Martinez Decl. Ex B at 45 (map showing Clearview’s service areas, including Illinois). Clearview’s contracts in Illinois are related to the case, and provide Clearview with more than fair warning that it will have to answer for BIPA violations here.²

This analysis shows why *Gullen v. Facebook.com, Inc.*, No. 15 C 7681, 2016 WL 245910 (N.D. Ill. Jan. 21, 2016), on which Clearview relies, does not help Clearview. There, the court held that there was “no relationship” between Facebook’s general sales and marketing activities in Illinois, and its face recognition technology. *Id.* at *2. Here, of course, Clearview’s faceprint database is the very product being marketed and sold in Illinois.

B. Clearview also targeted Illinois in other ways.

Clearview’s efforts to advertise in Illinois also provide a basis for personal jurisdiction. Clearview protests that its marketing efforts were national, and never targeted Illinois. Def. Br. at 8–9. But “There is no per se requirement that the defendant especially target the forum in its business activity; it is sufficient that the defendant reasonably could foresee that its product would be sold in the forum.” *Curry v. Revolution Labs., LLC*, 949 F.3d 385, 399 (7th Cir. 2020).

² Clearview also says that the contracts have been discontinued, but that is not relevant—personal jurisdiction attaches when the claim arises. *United Phosphorus, Ltd. v. Angus Chem. Co.*, 43 F. Supp. 2d 904, 908 (N.D. Ill. 1999). Otherwise, a defendant could evade jurisdiction by withdrawing from a state *post hoc*, as Clearview is trying to do here.

In any event, Clearview *did* directly market its face recognition database in Illinois.³ Compl. ¶ 62. For example, between December 2019 and March 2020, Clearview sent a Springfield Police Officer who was using its product on a trial basis a series of emails that: touted Clearview’s supposed accuracy and reach, Martinez Decl. Ex. B at 26; encouraged the officer to use Clearview without constraint, *id.* at 23, 25; urged him to convince other officers to use it, *id.* at 25; answered his questions about how to convert his free trial account into a permanent paid one, *id.* at 19; encouraged him to get the police department to buy Clearview’s service, *id.* at 5, 25; offered a discount for bulk purchases, *id.* at 19; and offered a one-on-one video demonstration, *id.* at 21. Clearview also sent him a variety of promotional materials, including pricing information and purported data about accuracy. *Id.* at 28–46. Clearview also sent him a map showing Clearview’s service areas, which expressly includes Illinois. *Id.* at 45.

Clearview similarly marketed its faceprint database to the Chicago Police Department, Martinez Decl. Ex. A; Wessler Decl. Ex. B, and the Illinois Secretary of State’s office, including by negotiating a price, and offering to “help your agency” with a new feature of Clearview’s service, Wessler Decl. Ex. C at 45. The company also sent multiple emails to a listserv of Illinois “fraud, loss prevention, and law enforcement professionals” advertising a free trial and touting the benefits of its system, Martinez Decl. ¶ 6, Ex. C, and met with representatives of Illinois law enforcement agencies at a trade conference to market its product, Wessler Decl. Ex. D.

These directed marketing communications constitute sufficient contacts to confer jurisdiction. *See, e.g., Zazove v. Pelikan, Inc.*, 326 Ill. App. 3d 798, 805–06 (1st Dist. 2001);

³ Plaintiffs’ Complaint, declarations, and exhibits contradict Clearview’s assertion to the contrary in ¶ 6 of the Schwartz Declaration. *See infra*. On a motion to dismiss for lack of personal jurisdiction, “any conflicts in the pleadings and supporting affidavits will be resolved in the plaintiff’s favor.” *Aspen Am. Ins. Co. v. Interstate Warehousing, Inc.*, 2017 IL 121281, ¶ 12.

Adams ex rel. Adams v. Harrah's Maryland Heights Corp., 338 Ill. App. 3d 745, 750 (5th Dist. 2003); *Dixon v. GAA Classic Cars, LLC*, 2019 IL App (1st) 182416, ¶ 16. As noted above, that the company also sold its database and captured faceprints of people in other states is immaterial. Clearview “wants to have its cake and eat it, too: it wants the benefit of a nationwide business model with none of the exposure.” *Illinois v. Hemi Grp., LLC*, 622 F.3d 754, 760 (7th Cir. 2010).

For similar reasons, contrary to Clearview’s assertion, this is not a case involving the mere operation of an “interactive website[.]” Def. Br. at 7. “[T]he website *in aggregate with* the contractual relationship[s] into which [Clearview] entered . . . constitutes conduct purposefully directed toward this state.” *Innovative Garage Door Co. v. High Ranking Domains, LLC*, 2012 IL App (2d) 120117, ¶¶ 27, 32 (emphasis added). Nor is it like the cases Clearview cites as its best authority, which involve attempts to invoke jurisdiction in Illinois based on contacts with and events in *other* states. See Def. Br. at 8–10 (citing *Zamora v. Lewis*, 2019 IL App (1st) 181642, ¶ 69–70 (fire in Maine), and *Bray v. Lathem Time Co.*, No. 19-3157, 2020 WL 1492742, at *3–4 (C.D. Ill. Mar. 27, 2020) (timeclock moved to Illinois by employer)). Here, Clearview expressly targeted Illinois with advertising and marketing, and directly sold its product to buyers in Illinois.

C. It is reasonable to litigate this case in Illinois.

With regard to the third personal jurisdiction factor, Clearview does not even argue that it is unreasonable for it to litigate in Illinois, for good reason: “[W]hen a defendant enters the forum state in furtherance of a business transaction, it is not unreasonable or unduly burdensome to require the defendant to return and litigate there.” *Morgan, Lewis & Bockius LLP*, 401 Ill. App. 3d at 956 (citation omitted). Because Clearview’s “sales are inextricably linked to the alleged tortious activity underlying [Plaintiffs’] claims[.]” *Curry*, 949 F.3d at 401, there is

nothing “random, fortuitous, or attenuated” about Clearview facing suit in Illinois court. *Burger King Corp.*, 471 U.S. at 475 (internal quotation marks and citation omitted).

II. Illinois is allowed to regulate Clearview’s violation of the rights of Illinois citizens.

A. Applying BIPA to Clearview does not violate extraterritoriality principles.

Illinois courts have adopted a “long-standing rule of construction” that a statute is “without extraterritorial effect” unless the text clearly indicates otherwise. *Avery v. State Farm Mut. Auto Ins. Co.*, 216 Ill. 2d 100, 184–85 (2005). While Clearview is correct that BIPA contains no such indication, the text makes clear that the General Assembly was specifically concerned about “national corporations” collecting Illinoisans’ biometric identifiers for “new applications” of biometric technologies—precisely the conduct at issue here. 740 ILCS 14/5(b). As one federal appellate court has noted, “it is reasonable to infer [from these findings] that the General Assembly contemplated BIPA’s application to individuals who are located in Illinois, even if some relevant activities occur outside the state.” *Patel v. Facebook, Inc.*, 932 F.3d 1264, 1276 (9th Cir. 2019). Thus, the legislature viewed the application of BIPA to the faceprints of Illinois residents as occurring in Illinois.

Courts have agreed that applying BIPA to the capture of biometric identifiers from Illinois residents’ images uploaded to the internet from Illinois does not present an extraterritoriality problem. *In re Facebook Biometric Info. Privacy Litig.*, 326 F.R.D. 535, 547 (N.D. Cal. 2018); *see also Rivera v. Google Inc.*, 238 F. Supp. 3d 1088, 1101–02 (N.D. Ill. 2017) (finding that similar circumstances “tip toward a holding that the alleged violations primarily happened in Illinois”). Similarly, here, images of Plaintiffs’ members on the internet were almost certainly created in and uploaded from Illinois. Plaintiffs each have hundreds or thousands of members in Illinois, whose faceprints have likely been captured by Clearview from images

created in and uploaded from Illinois. Compl. ¶¶ 11–15, 45. For instance, ACLU member Kenneth L. Page appears online in photos taken at events hosted by the ACLU of Illinois in Springfield, and Page’s central Illinois church. *Id.* ¶ 45(i). It would strain credulity to suggest that these images were not created in or uploaded to the internet from Illinois.

Moreover, as the Complaint explains and Clearview highlights in declarations, Clearview has attempted to stop collecting images uploaded from Illinois—a step that would be necessary only if Clearview had been collecting images from Illinois. *Id.* ¶ 48. It is reasonable to infer that, of the many millions of images uploaded by Illinoisans and collected by Clearview, many were uploaded from Illinois. *See id.* ¶ 44. Further, as noted above, Clearview used the biometric identifiers captured from these images to market its services to Illinois entities. *Id.* ¶¶ 60, 62–63. These entities undoubtedly used Clearview to search for Illinois residents.

Clearview suggests that because it uses servers outside of Illinois, BIPA cannot apply here. Def. Br. at 12. But that position has been rejected by every court to consider it. *See, e.g., Patel*, 932 F.3d at 1276. Moreover, it misapprehends the right at issue: “[t]he Act vests in individuals and customers the right to control their biometric information by requiring notice before collection and giving them the power to say no by withholding consent.” *Rosenbach*, 2019 IL 123186, ¶ 34. BIPA thus requires notice provided *in Illinois* and consent received *from Illinois*. The location of Clearview’s servers is immaterial to the location of the violation. Furthermore, a server-centric interpretation would lead to absurd results, allowing server location to override the policy choices of every other state that has sought to protect its own residents.

In any event, *Avery* holds that the extraterritoriality inquiry is not subject to a “bright-line test[,]” and that each case must be decided on its own facts. 216 Ill. 2d at 187. As the Seventh Circuit has said, *Avery*’s standard “gives the trier of fact substantial latitude.” *Morrison v. YTB*

Int'l, Inc., 649 F.3d 533, 538 (7th Cir. 2011). And extraterritoriality is an issue better decided on a fully developed record. *See, e.g., Monroy v. Shutterfly, Inc.*, No. 16 C 10984, 2017 WL 4099846, at *6 (N.D. Ill. Sept. 15, 2017). At this stage, it is enough that the Complaint “does not defeat application of Illinois law.” *Morrison*, 649 F.3d at 538 (emphasis in original). Clearview’s motion should not be granted “unless it is clearly apparent that no set of facts can be proved that would entitle the plaintiff to relief.” *Jorgenson v. Berrios*, 2020 IL App (1st) 191133, ¶ 21.

Clearview has not met that standard with respect to extraterritoriality here.

B. Applying BIPA to Clearview does not violate the dormant Commerce Clause.

Relatedly, Clearview seeks dismissal under the U.S. Constitution’s dormant Commerce Clause because it contends that Plaintiffs’ claim seeks to apply “BIPA to Clearview’s conduct in New York.” Def. Br. at 14. This is incorrect, and fails to identify a dormant Commerce Clause problem. “Dormant Commerce Clause doctrine applies only to laws that *discriminate* against interstate commerce, either expressly or in practical effect.” *Park Pet Shop, Inc. v. City of Chicago*, 872 F.3d 495, 501 (7th Cir. 2017). Plaintiffs allege that Clearview has failed to provide notice of its conduct or obtain consent from affected individuals *in Illinois*. BIPA does not prohibit the capture of faceprints altogether—it only prohibits such capture without notice and consent from affected Illinoisans. 740 ILCS 14/15(b). Nor does BIPA regulate Clearview’s out-of-state conduct. Requiring Clearview to obtain informed consent from Illinoisans has no direct effect on Clearview’s ability to capture the biometric identifiers of residents of other states or from images created in and uploaded to the internet from other states. *See, e.g., Int’l Dairy Foods Ass’n v. Boggs*, 622 F.3d 628, 634 (6th Cir. 2010) (finding Ohio food-labeling rules did not impermissibly regulate out-of-state processors).

Nevertheless, Clearview suggests that “inconsistent obligations” can arise when one state

regulates certain conduct and another declines to—for example, New York, which lacks BIPA-like legislation. Def. Br. at 2, 14. But complying with Illinois law in Illinois and New York law in New York does not result in inconsistent obligations. Indeed, the same argument was raised and rejected in *In re Facebook Biometric Information Privacy Litigation*: “Facebook says that the Commerce Clause ‘precludes Illinois from overriding the decisions of California and other states’ to not regulate biometric information, . . . but there is no risk of Illinois law overriding the laws of the other states. This suit involves Facebook’s conduct with respect to Illinois users only[.]” *In re Facebook Biometric Info. Privacy Litig.*, No. 3:15-CV-03747-JD, 2018 WL 2197546, at *4 (N.D. Cal. May 14, 2018).

Clearview relies on *Midwest Title Loans, Inc. v. Mills*, 593 F.3d 660, 667–68 (7th Cir. 2010), but it is inapplicable here. The law at issue in that case stated that a loan to an Indiana resident occurred in Indiana if the creditor advertised in Indiana, even if the Indiana resident entered into the transaction in another state. *Id.* at 662. The Seventh Circuit struck the law down because it directly regulated transactions occurring in other states by defining them as occurring in Indiana. *Id.* at 666–68. But BIPA does not regulate the nonconsensual capture of faceprints in other states. Moreover, accepting Clearview’s position would inflict precisely the evil it purports to decry, by imposing New York (and other) law on conduct occurring in Illinois.

Finally, Clearview argues that any injunction issued in this case would violate the dormant Commerce Clause, but Clearview’s concerns on this point are premature. *See Carle Found. v. Cunningham Twp.*, 2017 IL 120427, ¶ 34 (constitutional issues should be addressed “only if necessary”). Whether and how Clearview can comply with any injunction is a question that should be answered on a fuller record, once the parties and the Court have a better understanding of Clearview’s technology. *Monroy*, 2017 WL 4099846, at *8 (noting that “after

further development of the factual record” regarding “how Shutterfly’s technology works[,]” it was “conceivable” that the defendant might succeed on its dormant Commerce Clause challenge). This is simply not an issue that can or should be resolved on the pleadings.⁴

III. The First Amendment does not bar Plaintiffs’ claim.

Likening itself to a search engine that merely republishes publicly-available information, Clearview next suggests that its conduct is immune from regulation under the First Amendment. But this lawsuit challenges Clearview’s conduct, not its speech. Clearview can gather information from the public internet and it can run a search engine without violating BIPA. What it cannot do is capture the faceprints, or “scan[s] of . . . face geometry,” 740 ILCS 14/15, of Plaintiffs’ members and countless other Illinoisans without their knowledge or consent.

A ruling in Clearview’s favor on this point would make it virtually impossible for the state to enact privacy and information security laws. Proper application of the First Amendment does not produce this result.⁵ Indeed, the Illinois Supreme Court recently rejected a First Amendment challenge to another law in part because accepting it “would cast doubt on the constitutionality of . . . statutes that protect the privacy rights of Illinois residents[,]” specifically including BIPA. *People v. Austin*, 2019 IL 123910, ¶ 50.

A. BIPA, including as applied to Clearview, satisfies the First Amendment as a regulation of conduct subject to intermediate scrutiny under *United States v. O’Brien*.

Clearview argues that because it is using public information to generate biometric

⁴ In addition, Clearview states that it has taken steps to ensure that BIPA does not apply to its operations, casting doubt on any dormant Commerce Clause problem here. Def. Br. at 1.

⁵ As the briefs of amici curiae Electronic Frontier Foundation and First Amendment scholars demonstrate, multiple First Amendment rationales lead to this same outcome: BIPA’s application to Clearview’s conduct is subject to no more than intermediate scrutiny, and survives such scrutiny.

identifiers, its capture of faceprints is necessarily speech that cannot be subject to a consent requirement. But to accept this argument would be to hold that collecting fingerprints in public places or generating DNA profiles from skin cells shed in public is unregulatable speech. That contention is so outlandish that it has not, to Plaintiffs’ knowledge, ever been raised in prior cases. *Cf. Rosenbach*, 2019 IL 123186, ¶ 33 (holding that nonconsensual collection of fingerprints violates BIPA).

All “biometrics” are signifiers that are used to identify people based on their unique physical and biological characteristics. Compl. ¶¶ 1, 19. “Faceprints” rely on facial-feature data, such as the distance between one’s eyes and nose, and the shape of one’s cheekbones. *Id.* ¶¶ 2, 20. Faceprints can be used, just like fingerprints or DNA, to discern identity. *Id.* ¶¶ 22, 52.

Far from likening the capture of a faceprint to the expression of an opinion, courts have recognized that the nonconsensual capture of a person’s biometric identifier is akin to “an act of trespass[.]” *Bryant v. Compass Grp. USA, Inc.*, 958 F.3d 617, 624 (7th Cir. 2020), and that “an invasion of an individual’s biometric privacy rights has a close relationship to” traditional privacy torts, *Patel*, 932 F.3d at 1273 (internal quotations omitted). Such activity is, and always has been, the subject of rules about consent.

The U.S. Supreme Court has recognized that this holds even for conduct—like “stealing documents or private wiretapping”—that “could provide newsworthy information[.]” *Branzburg v. Hayes*, 408 U.S. 665, 691 (1972). *See also Bartnicki v. Vopper*, 532 U.S. 514, 523, 526–27, 529–30 (2001) (recognizing that the “willful[] intercept[ion of] . . . any wire or oral communication” is “unlawful conduct”). While BIPA’s notice-and consent requirement may have an incidental effect on Clearview’s speech (if this Court accepts that it burdens Clearview’s ability to use faceprints to express its opinion about who appears in a photograph), “it does not

necessarily follow that [nonconsensual capture of a faceprint] is constitutionally protected activity.” *United States v. O’Brien*, 391 U.S. 367, 376 (1968).

When “‘speech’ and ‘nonspeech’ elements are combined in the same course of conduct, a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on First Amendment freedoms.” *Id.*; see also *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 636 (1994) (applying *O’Brien* scrutiny to FCC rules that governed how “[c]able programmers and cable operators engage in and transmit speech”); *People v. Melongo*, 2014 IL 114852, ¶ 27 (same for Illinois eavesdropping statute). BIPA’s requirement that entities obtain consent before capturing faceprints—including as applied to Clearview in this case—is a regulation of conduct that is subject to intermediate scrutiny under *O’Brien*.

Clearview argues that BIPA squarely regulates speech because it prevents Clearview from republishing publicly-available photographs. But BIPA does not regulate the republication of photographs; the notice-and-consent restriction that it imposes is *not* on the downstream dissemination or discussion of information Clearview has lawfully acquired, but rather on the capture of a wholly new category of information. Clearview’s arguments elide the significant difference between republishing a public photograph and capturing a faceprint. To ignore this difference would be to hold that publishing a photograph of people’s hands should be treated no differently than collecting their fingerprints.

Information that is posted or exposed publicly is not the same as all information that might be acquired from it through additional action—including the capture of biometric identifiers. *Cf. Kyllo v. United States*, 533 U.S. 27, 35–37 (2001) (holding that the use of infrared cameras on the exterior of a house was a Fourth Amendment search and expressly rejecting the argument that inferences drawn from publicly-available information cannot be searched). Courts

have frequently recognized this difference when it comes to biological material. Even where, as Clearview argues is the case here, “one has consented to” share certain information about one’s biology—be it a photograph, “a general medical examination[.]” or “blood or urine samples”—that “does not abolish one’s privacy right not to be tested for intimate, personal matters.”

Norman-Bloodsaw v. Lawrence Berkeley Lab., 135 F.3d 1260, 1270 (9th Cir. 1998); *see also Skinner v. Ry. Labor Executives’ Ass’n*, 489 U.S. 602, 616–17 (1989). Likewise here, even if Plaintiffs have consented to publication of photographs picturing them, they retain their privacy interests in their faceprints: the product of additional conduct performed on those photographs.⁶

Clearview’s search engine analogy is equally unconvincing. Just as BIPA does not prohibit the republication of photographs, BIPA does not prohibit running a search engine—it merely prevents nonconsensually capturing faceprints, regardless of how they might subsequently be used. Clearview’s conduct is limited only by BIPA’s requirements of notice and consent; this case does not raise the specter of a ban on speech. Cases like *Jian Zhang v. Baidu.com Inc.*, relied upon by Clearview, are thus inapposite, as they are concerned with a search engine’s ability to make “editorial judgments” in determining what publicly-available content to present—an issue that BIPA just does not regulate. *See* 10 F. Supp. 3d 433, 439 (S.D.N.Y. 2014). Even recognizing that BIPA may impose an incidental burden on Clearview’s search tool, the law need only survive *O’Brien* scrutiny.

⁶ For this same reason, Clearview’s argument that once “truthful information is publicly revealed . . . a court may not constitutionally restrain its dissemination” also does not apply. *In re Minor*, 205 Ill. App. 3d 480, 491 (4th Dist. 1990), *aff’d*, 149 Ill. 2d. 247 (1992). Plaintiffs object to Clearview’s nonconsensual capture of their faceprints—not its publication of photographs. And Clearview’s reliance on *In re Minor* is particularly misplaced. Far from holding that a court could not restrain the media from publishing a minor’s identity once that information is revealed, the court held that a court *could* prohibit such publication if the news obtained that information “from the courtroom” (where it is covered by a confidentiality order) rather than “through common reportorial techniques[.]” *Id.* at 491–92.

B. BIPA survives *O'Brien* scrutiny.

Under *O'Brien*, a regulation of conduct that incidentally burdens speech does not violate the First Amendment if the regulation “is within the constitutional power of the Government[.]” “if it furthers an important or substantial governmental interest [that] . . . is unrelated to the suppression of free expression[.]” and “if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.” *O'Brien*, 391 U.S. at 377. Here, BIPA is plainly within Illinois’s power to enact, furthers substantial governmental interests in privacy and information security, and burdens Clearview’s speech no more than is necessary to further those legitimate interests.

1. Illinois has the power to regulate the capture of biometric identifiers.

BIPA “is designed to protect consumers against the threat of irreparable privacy harms, identity theft, and other economic injuries[.]” *Bryant*, 958 F.3d at 619; *see also Rosenbach*, 2019 IL 123186, ¶ 33. Clearview does not contest the state’s power to enact such a law.

2. BIPA furthers substantial governmental interests.

BIPA’s notice-and-consent regime furthers the state’s substantial interests in protecting its residents’ privacy and security. Once a faceprint is captured, a company can use it to “identify [the] individual in any of the other hundreds of millions of photos uploaded [online] each day, as well as determine when the individual was present at a specific location[.]” *Patel*, 932 F.3d at 1273. Indeed, “Clearview’s mobile application . . . contains code that can pair its face recognition technology with other technology—like augmented-reality glasses—which could potentially identify every person the wearer sees walking through a neighborhood.” Compl. ¶ 58. Maintaining this privacy is an important state interest because, as the General Assembly found, biometric identifiers “are biologically unique to the individual; therefore, once compromised, the

individual has no recourse [and] is at heightened risk for identity theft[.]” 740 ILCS 14/5(c); *see Rosenbach*, 2019 IL 123186, ¶ 34 (biometrics “cannot be changed if compromised or misused.”).

In addition, biometric identifiers are used to enable access to other secure locations or information, including “to unlock the face recognition lock on [an] individual’s cell phone[.]” *Patel*, 932 F.3d at 1273, to keep time records at work, *Miller v. Sw. Airlines Co.*, 926 F.3d 898, 901 (7th Cir. 2019), and to determine entry to a gated space, *Rosenbach*, 2019 IL 123186, ¶ 4. Databases of sensitive biometrics—including the one maintained by Clearview, *see, e.g.*, Compl. ¶¶ 6–7, 39—are therefore an inherent security hazard, as they can be subject to data breaches and employee misuse. Plaintiffs reasonably fear this risk with respect to Clearview’s database, as Clearview has failed to protect other files from data breaches. *See id.* ¶ 63.

Moreover, by protecting Illinoisans’ privacy, the state protects *their* speech and associational rights. As the Supreme Court has recognized, “[f]ear or suspicion that one’s speech is being monitored by a stranger”—for example, by someone using Clearview to track faces at a protest, *see* Compl. ¶ 34—“can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas.” *Bartnicki*, 532 U.S. at 533. Equally, fear of monitoring can chill protected association, including Plaintiffs’ associations with survivors of sexual harm, survivors of domestic violence, and current and former sex workers. Compl. ¶¶ 35(i), 36(iv), 38(i).

Notwithstanding the unique privacy harms created by nonconsensual capture of biometric identifiers, Clearview argues that Plaintiffs lack any privacy interest in their faceprints because “individuals have no right to privacy in materials they post on the Internet.” Def. Br. at 18, 22. As discussed above, this conflates photographs and faceprints, ignoring the intrusive conduct required to capture the latter, and the unique privacy and security harms of such capture.

Through BIPA, the General Assembly has properly “codified that individuals possess a

right to privacy in and control over their biometric identifiers and biometric information.” *Rosenbach*, 2019 IL 123186, ¶ 33. The state’s interest in such privacy protection is “of the highest order.” *Bartnicki*, 532 U.S. at 518; *see also Wollschlaeger v. Governor, Fla.*, 848 F.3d 1293, 1314 (11th Cir. 2017) (en banc).

3. The government’s interest in BIPA is not related to the suppression of free expression.

BIPA proscribes nonconsensual faceprinting because it presents a privacy and security risk—not “*because* it has expressive elements.” *Texas v. Johnson*, 491 U.S. 397, 406 (1989). Clearview remains free to discuss the topic of identity and to express its opinion regarding who appears to be in a photograph, regardless of what that opinion may be. *See, e.g., Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 295 (1984) (upholding camping ban, though it burdened protests). Conversely, even if Clearview did not speak at all, and simply captured faceprints and amassed a massive, insecure database, it would violate BIPA.

Clearview’s argument that BIPA is nevertheless content-based because it “ha[s] the purpose and/or practical effect of burdening speech by reducing the effectiveness of its content” is incorrect. *See* Def. Br. at 21. Clearview relies on two cases for this point—*Sorrell v. IMS Health Inc.* and *R.A.V. v. City of St. Paul*—but neither stands for it. In *Sorrell*, the Supreme Court struck down a statute not because it diminished the effectiveness of speech, but because it “diminish[ed] the effectiveness of [speech]” *by a particular category of speakers* who “convey[ed] messages that are often in conflict with the goals of the state.” 564 U.S. 552, 565 (2011). Similarly, in *R.A.V.*, the Supreme Court noted that the government could not regulate the use of sound trucks “*based on hostility—or favoritism—towards the underlying message expressed.*” 505 U.S. 377, 386 (1992) (emphasis added). Thus, both cases stand only for the uncontroversial point that regulations that diminish the efficacy of speech in a content- or

viewpoint-based manner are presumptively unconstitutional. BIPA, on the other hand, broadly proscribes nonconsensual faceprinting, without respect to how the faceprints may ultimately be used. *See Sorrell*, 564 U.S. at 573 (recognizing that a First Amendment challenge to a more coherent privacy policy “would present quite a different case”).⁷

Clearview also cites to *Reed v. Town of Gilbert* to argue that BIPA is facially content-based—but BIPA does not “target speech based on its communicative content[,]” nor does it “appl[y] to particular speech because of the topic discussed or the idea or message expressed.” *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015). Indeed, the provisions of BIPA at issue here do not facially regulate the communication of any message at all. As noted above, BIPA does not prevent Clearview from opining about who appears in a photograph, or republishing photos already available online. Instead, BIPA applies to a category of conduct—the capture of biometric identifiers—and asks only whether that capture was effected without consent.

4. The incidental restriction on speech is no greater than is essential to further the government’s interest.

Finally, the state’s substantial interests in BIPA “would be achieved less effectively in the law’s absence and the law does not burden substantially more speech than is necessary to further the government’s objective.” *City of Chicago v. Alexander*, 2015 IL App (1st) 122858-B, ¶ 39, *aff’d*, 2017 IL 120350 (marks and alterations omitted); *see also Turner*, 520 U.S. at 641–42.

To further Illinois’s interest in protecting individuals’ privacy and security, BIPA requires that entities give notice to and obtain consent from individuals before capturing their

⁷ Indeed, many of the regulations that courts have upheld under *O’Brien* regulate the efficiency of a speaker’s expression. For example, must-carry provisions prevent cable operators from allowing only a small subset of speakers to monopolize broadcasts. *Turner*, 512 U.S. at 661–63. Similarly, the First District Appellate Court has held that an ordinance limiting sound volume—clearly a tool for efficiency of communication—is content neutral. *People v. Arguello*, 327 Ill. App. 3d 984, 989 (1st Dist. 2002).

faceprints. 740 ILCS 14/15(b). This “insure[s] that individuals’ and customers’ privacy rights in their biometric identifiers and biometric information are properly honored and protected to begin with, before they are or can be compromised,” which is essential in light of the “difficulty in providing meaningful recourse once a person’s biometric identifiers or biometric information has been compromised.” *Rosenbach*, 2019 IL 123186, ¶ 36. “To require individuals to wait until they have sustained some compensable injury . . . before they may seek recourse . . . would be completely antithetical to the Act’s preventative and deterrent purposes.” *Id.* ¶ 37.⁸

Even though “a regulation need not be the least restrictive or least intrusive means of [achieving the stated governmental interest]” to satisfy intermediate scrutiny, *Alexander*, 2015 IL App (1st) 122858-B, ¶ 39, BIPA’s notice-and-consent requirement targets “[t]he precise harm the Illinois legislature sought to prevent” *Rosenbach*, 2019 IL 123186, ¶ 34. Much like the ban on destroying draft cards at issue in *O’Brien*, BIPA “prohibits [the harmful] conduct and does nothing more.” 391 U.S. at 381–82.

The law does not burden substantially more speech than necessary for two reasons. First, its prohibition is limited to conduct. It does not target Clearview’s expression of opinion about who is pictured in a photograph. And, as the Illinois Supreme Court has noted, “whatever expenses a business might incur to meet the law’s requirements are likely to be insignificant compared to the substantial and irreversible harm that could result if biometric identifiers and information are not properly safeguarded; and the public welfare, security, and safety will be advanced. That is the point of the law.” *Rosenbach*, 2019 IL 123186, ¶ 37. Second, rather than impose an absolute ban on faceprinting, it allows faceprinting with an individual’s consent.

⁸ Illinois is among several states to recognize the importance of protecting biometric identifiers *before* they can be compromised. *See also* Tex. Bus. & Com. Code Ann. § 503.001; Wash. Rev. Code § 19.375.020(1).

Under BIPA, “[t]here is no . . . liability for the dissemination of the very same [biometric identifier] obtained and distributed with consent.” *Austin*, 2019 IL 123910, ¶ 49; *see id.* ¶ 50 (“The entire field of privacy law is based on the recognition that some types of information are more sensitive than others, the disclosure of which can and should be regulated.”).⁹ Applying BIPA to Clearview in this case would not violate the First Amendment.

IV. A photograph is not a “biometric identifier,” but facial geometry is.

As a last gasp, Clearview contends that its faceprint-capturing conduct is not covered by BIPA because it scans photographs rather than faces “in person[.]” Def. Br. at 24–25. But Clearview collects “faceprints[.]” which rely on “facial geometries” and therefore are “scan[s] of . . . facial geometry” protected by BIPA. *E.g.*, Compl. ¶¶ 1–2, 6, 20–21, 31, 44, 47, 51, 69.

BIPA defines “biometric identifier” to include a “scan of . . . face geometry[.]” and further provides that “biometric identifiers do not include . . . photographs[.]” 740 ILCS 14/10. So what happens when a scan of face geometry is derived from a still image? Four federal district courts have considered this issue, and all have concluded that BIPA’s protections apply. *Vance v. Int’l Business Machines Corp.*, No. 20 C 577, 2020 WL 5530134, at *3–4 (N.D. Ill. Sept. 15, 2020); *Monroy*, 2017 WL 4099846, at *3–4; *Rivera*, 238 F. Supp. 3d at 1096; *In re Facebook Biometric Privacy Info. Litig.*, 185 F. Supp. 3d 1155, 1172 (N.D. Cal. 2016). As these

⁹ For the same reasons, BIPA is not overbroad. Clearview argues that BIPA is overbroad because it bars Clearview from matching published photographs with other photographs. But BIPA only bans Clearview from doing so by relying on nonconsensually captured biometric identifiers. Clearview has failed to identify protected speech that is banned by BIPA—only speech that is incidentally burdened by it. *See People v. Williams*, 235 Ill. 2d 178, 200, 203 (2009) (recognizing that “the Supreme Court has cautioned that a statute’s overbreadth must be ‘substantial, not only in an absolute sense, but also relative to the statute’s plainly legitimate sweep’” and holding that the speaker’s offer of a narrower restriction that “would largely defeat [the state’s] . . . interest” in a challenged law cannot establish overbreadth).

courts have observed, there is an “absence of any textual support” for the “in person” limitation Clearview seeks to impose. *Monroy*, 2017 WL 4099846, at *3.

The statute’s definition of “biometric identifier” includes several specific *types* of biometrics but says nothing about *how* these identifiers are collected. *See* 740 ILCS 14/10. In contrast, “biometric information[.]” does specify how the information must be collected: it specifically excludes information derived from anything other than a “biometric identifier[.]” *Id.* “Under our well-settled rules of statutory construction, where the legislature includes particular language in one section of a statute but omits it in another section of the same statute, courts will presume that the legislature acted intentionally in the exclusion or inclusion.” *People v. Hunter*, 2017 IL 121306, ¶ 48 (internal quotation omitted). The legislature understood how to limit the scope of information protected by BIPA to data collected in certain ways. But it chose not to do so with respect to “biometric identifier[s.]” That choice must be respected. *See Rivera*, 2017 WL 748590, at *6; *In re Facebook Biometric Privacy Info. Litig.*, 185 F. Supp. 3d at 1172.¹⁰

And the legislature’s choice makes perfect sense. Under the plain language of the statute, a biometric identifier—including a scan of face geometry—can be derived from *any* source (including a photograph). 740 ILCS 14/10. Photographs do not themselves count as biometric identifiers because, if they did, any entity operating in Illinois (like a newspaper) would violate BIPA simply by collecting photographs of people. That would be absurd.

Moreover, excluding Clearview’s faceprints from BIPA simply because still images are involved would essentially gut the law because faceprints are almost always collected from still

¹⁰ Tellingly, the legislature did *not* enact a BIPA amendment that would have limited “scan[s]” under § 10 to only “an in-person process” and excluded information pulled from a photograph from the definition of “biometric identifier.” HB 6074 (2016), Senate Amdt. 1.

images.¹¹ Retina and iris scans also involve taking photographs of the eye. It would be absurd if, notwithstanding being included in the definition of “biometric identifier[,]” these biometrics were removed from the statute’s coverage because they require the creation of still images first.

Clearview responds that all of the other “biometric identifier[s]” covered by BIPA are collected in person, so the Court should read that limitation into the statute. Def. Br. at 24 & n.13. Clearview is wrong as a factual matter.¹² But in any event, it is well-settled that a court “may not depart from a statute’s plain language by reading into it exceptions, limitations, or conditions the legislature did not express.” *People ex rel. Madigan v. Kinzer*, 232 Ill. 2d 179, 184–85 (2009). The definition of “biometric identifier” contains no limitation on how identifiers are collected. Because the language is clear, new limitations cannot be read into the law.

Moreover, this is a statute that explicitly deals with a fast-evolving technology: “because advances in technology are what drove the Illinois legislature to enact the Privacy Act in the first place, it is unlikely that the statute sought to limit the definition of biometric identifier by limiting how the measurements are taken.” *Rivera*, 238 F. Supp. 3d at 1095–96.

CONCLUSION

For the foregoing reasons, the motion to dismiss should be denied.

¹¹ See, e.g., Wendy Davis, *Illinois Privacy Law Tested By ‘Faceprint’ Cases*, MEDIA POST, (Aug. 6, 2015), <https://www.mediapost.com/publications/article/255620/illinois-privacy-law-tested-by-faceprint-> (“I have literally never heard of any facial recognition system that works off of anything other than a photo or a video still[.]”) (quoting Professor Alvaro Bedoya, former chief counsel to the Senate Judiciary Subcommittee on Privacy, Technology and the Law).

¹² For example, fingerprints, iris scans, and voiceprints can be obtained from photographs or recordings. See Thomas Brewster, *Inside America’s Secret \$2 Billion Research Hub*, FORBES (July 13, 2020), <https://www.forbes.com/sites/thomasbrewster/2020/07/13/inside-americas-secretive-2-billion-research-hub-collecting-fingerprints-from-facebook-hacking-smartwatches-and-fighting-covid-19/#293521ad2052> (fingerprints from photographs); *Samsung S8 ‘Eye Security’ Fooled by Photo*, BBC NEWS (May 23, 2017), <https://www.bbc.com/news/technology-40012990> (iris scanning of photo); Compl. ¶ 46, *Zaluda v. Apple Inc.*, No. 2019-CH-11771 (Cir. Ct. Cook Cty. Oct. 10, 2019) (voiceprints from audio recordings).

Respectfully submitted,

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Juan Caballero
jcaballero@aclu-il.org
ROGER BALDWIN FOUNDATION OF ACLU, INC.
150 North Michigan Avenue, Suite 600
Chicago, IL 60601
Tel: 312.201.9740

Attorneys for Plaintiffs American Civil Liberties Union, American Civil Liberties Union of Illinois, Chicago Alliance Against Sexual Exploitation, Sex Workers Outreach Project Chicago, Illinois State Public Interest Research Group, Inc., and Mujeres Latinas en Acción

** Admitted pro hac vice*

CERTIFICATE OF SERVICE

I, J. Eli Wade-Scott, an attorney, hereby certify that on November 2, 2020 I served the above and foregoing document by causing a true and accurate copy of the same to be filed and transmitted to all counsel of record via the Court's electronic filing system.

/s/ J. Eli Wade-Scott

Exhibit 1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

AMERICAN CIVIL LIBERTIES UNION, *et al.*,

Plaintiffs,

v.

CLEARVIEW AI, INC., a Delaware corporation,

Defendant.

No. 2020 CH 04353

Hon. Pamela Meyerson

DECLARATION OF FREDDY MARTINEZ

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true:

1. I am a policy analyst with Open the Government, a non-profit nonpartisan coalition that works to strengthen our democracy and empower the public by advancing policies that create a more open, accountable, and responsive government. I also conduct independent research into law enforcement surveillance practices. Previously, I was the executive director of Lucy Parsons Labs, a police accountability non-profit based in Chicago. I have also served as a Mozilla/Ford Foundation Open Web Fellow at the Freedom of the Press Foundation. I hold a B.A. in Physics from Monmouth College in Monmouth, Illinois. I submit this declaration in my individual capacity, and not on behalf of my

current or former employers. I am over the age of eighteen, and if called upon to testify to the matters stated herein, I could and would competently do so.

2. I frequently use the federal Freedom of Information Act and state public records laws, including the Illinois Freedom of Information Act (“FOIA”). I have particularly deep experience seeking records about new and emerging surveillance and data-gathering technologies, including face recognition technology. I have used public records laws for my research over the last six years and numerous stories have been written about my work in publications such as ArsTechnica, the Chicago Reader, VICE, Splinter News, and the New York Times.¹
3. Since June 2018, I have submitted over 75 public records requests to governmental entities across the country seeking records concerning communications and contracts with Clearview AI (“Clearview”).
4. On October 13, 2020, I submitted a FOIA request to the Chicago Police Department (“CPD”) seeking communications, contracts, and other records with or about Clearview. On October 27, 2020, I received responsive records from CPD. Among those records were documents related to CPD’s procurement and acquisition of access to Clearview’s faceprint database, including: a price quote from Clearview to the CPD dated September 4, 2019; and an invoice reflecting the City of Chicago’s purchase of “Clearview AI technology, database, and investigative toolkit” in December 2019. Those records are attached as Exhibit A.

¹ See Kashmir Hill, *Unmasking a Company That Wants to Unmask Us All*, N.Y. Times (Jan. 20, 2020), <https://www.nytimes.com/2020/01/20/reader-center/insider-clearview-ai.html>.

5. On January 21, 2020, I submitted a FOIA request to the police department in Springfield, Illinois seeking communications, contracts, and other records with or about Clearview. After the Springfield Police Department (“SPD”) failed to adequately respond to my request, I filed suit on April 24, 2020. *See Martinez v. City of Springfield*, 20 CH 000099 (Sangaman Cty.). On September 16, 2020, the Springfield Police Department disclosed to me 46 pages of emails and promotional materials sent by the Clearview to SPD officers. These records are attached as Exhibit B.
6. On November 15, 2019, I submitted a public records request to the Gainesville Police Department in Florida seeking communications, contracts, and other records related to Clearview. On December 11, 2019, I received responsive records from the Department. Among those records were marketing messages sent by Clearview to individuals in Illinois via an Illinois Crimedex² email listserv (the messages were simultaneously sent to Crimedex listservs covering other states). Those messages are attached as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 30, 2020.

Washington, DC
October 30, 2020



Freddy Martinez

² Crimedex is an “online community of fraud, loss prevention, and law enforcement professionals.” *See* <https://www.crimedex.com/>.

Exhibit A

**OFFICE OF THE FIRST DEPUTY SUPERINTENDENT
Deployment Operations Center**

18 Sept 2019

TO: Barbara J. West
Chief
Bureau of Organizational Development

Attn: Jonathan L. Johnson
Director
Finance Division


Lawrence Blustain
Finance Division

FROM: Leo Panpeinto
Deputy Chief
Deployment Operations Center


**SUBJECT: Request for Urban Area Security Initiative (UASI) Funding Expenditures
City Fusion Center/17QE3Z-0400-0000-220400**

The undersigned is requesting Urban Area Security Initiative (UASI) funds to purchase Clearview Ai, software, which is an open source reverse image search tool that is utilized for identifying and locating suspected criminals and terroristic threats suspects.

Please see the attached quote for \$47,500 from Clearview Ai for a 24-month subscription with access for 30 account users. If you have any questions regarding the software or quote, please contact P.O. Gina Mata at 312 745-6190.


Leo Panepinto
Commander
Deployment Operations Center

APPROVED: 


Anthony J. Riccio
First Deputy Superintendent





Clearview AI
15 West 72 St. - Suite 23-S
New York, NY 10023

September 4, 2019

Chicago Police Department
3510 S Michigan Ave
Chicago, IL 60653

QUOTE

Clearview AI proposes to provide its proprietary technology to the Chicago Police Department as follows:

Product: Clearview AI Technology, Database, and Investigative Toolkit
Quantity: 30 User Accounts
Duration: 24 months

Each User Account Includes:

- Unlimited Use of Clearview's Proprietary Research System
- Unlimited Access to Clearview's Proprietary Database
- iPhone/Android and/or Desktop Versions of Clearview Program Available for Each User
- Help-Desk Support

Fee (All Inclusive - 30 Accounts for 24 months): \$47,500

If this proposal meets your approval, please remit payment via **check payable to Clearview AI** and send check to:

Clearview AI
[REDACTED]
15 West 72 St. - Suite 23-S
New York, NY 10023

Please Note: Search results established through Clearview AI and its related systems and technologies are indicative not definitive. Clearview AI, Inc. makes no guarantees as to the accuracy of its search-identification software. Law enforcement professionals **MUST** conduct further research in order to verify identities or other data generated by the Clearview AI system. Clearview AI is neither designed nor intended to be used as a single-source system for establishing the identity of an individual. Furthermore, Clearview AI is neither designed nor intended to be used as evidence in a court of law.

QUOTE CONFIRMATION



DEAR BRIAN ROE,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
KXHM743	9/28/2019	CLEARVIEW NEW	[REDACTED]	\$49,875.00

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
COCSECURITY PROD MNT RNW Mfg. Part#: COCCLEARVIEW Clearview AI technology, database, and investigative toolkit. 30 users, 24 months Electronic distribution - NO MEDIA Contract: City of Chicago Hardware Software Contract (33232-105081)	1	[REDACTED]	\$49,875.00	\$49,875.00

PURCHASER BILLING INFO		SUBTOTAL	\$49,875.00
Billing Address: CITY OF CHICAGO-"DOIT" DEPARTMENT OF FINANCE 333 S STATE ST LOWR LL30 CHICAGO, IL 60604-3947 Phone: (312) 744-4900 Payment Terms: Net 60 Days		SHIPPING	\$0.00
		SALES TAX	\$0.00
		GRAND TOTAL	\$49,875.00
		DELIVER TO Shipping Address: CHICAGO POLICE DEPARTMENT BRIAN ROE 312.745.5545 3510 S MICHIGAN AVE CHICAGO, IL 60653-1020 Phone: (312) 745-5545 Shipping Method: ELECTRONIC DISTRIBUTION	

Need Assistance? CDW•G SALES CONTACT INFORMATION			
	CDW•G Account Team [REDACTED]	(866) 339-7925	[REDACTED]

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at
 For more information, contact a CDW account manager

© 2019 CDW•G LLC, 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 | 800.808.4239

iProcurement

Shop Requisitions Receiving Assessments

Requisitions Notifications Approvals

Requisitions: Requisitions > Requisition: 308785 >

Punchout Release PO: 115936, 0 (Total USD 49,875.00)

Currency=USD

Actions View Receipts

Order Information

General

Total **49,875.00**
 Supplier **CDW GOVERNMENT, LLC.**
 Supplier Site **A (EFT1057)**
 Address **75 REMITTANCE DRIVE SUITE #1515 CHICAGO, IL 60675-1515**
 Buyer **ROE, BRIAN**
 Order Date **14-Nov-2019 16:15:12**
 Description Status **Approved**
 Note to Supplier Operating Unit **CITY OF CHICAGO - GRE**
 Sourcing Document Supplier Order Number **105081**
 CAPS TRANSFER DATE SPECIFICATION NUMBER **PRO SERV CONSULTING \$250,000orABOVE**
 CONTRACT TYPE
 PROCUREMENT TYPE **NO**
 TARGET MARKET (Y OR N)
 DEPARTMENT/BUREAU **57**
 BILL TO LOCATION **57-122 FIN**
 TYPE OF FUNDING
 PROJ NUM/PROJ NAME
 PROGRAM TYPE
 WORK ORDER #
 CONTACT / PHONE **Brian roe 312-745-5545**
 TASK ORDER(Contract-Dept-TSK-TaskNum)
 Attachments **None**

Terms and Conditions

Payment Terms **IMMEDIATE**
 Carrier
 FOB
 Freight Terms
 Shipping Control

Ship-To Address

Address **3510 S. Michigan Ave 3rd Floor Chicago, IL 60653**

Bill-To Address

Address **3510 S. Michigan Ave. 3rd Floor Chicago, IL 60653**

Summary

Total **49,875.00**
 Received **49,875.00**
 Invoiced **49,875.00**
 Payment Status **PAID**

PO Details

[Show All Details](#) | [Hide All Details](#)

Details	Line	Type	Item/Job	Supplier	Description	UOM	Qty	Price	Amount	Status	Attachments	Reason	CAPS TRANSFER DATE	CATALOG IDENTIFIER	MANUFACTURER	DISCOUNT/MARKUP %	DEPT #	SECOND PART LINE #	DESC
+ Show	1	Goods		5773681	COCSECURITY PROD MNT RNW	USD	1	49875	49,875.00	Closed									

[Return to Requisition 308785](#)

Actions View Receipts

iProcurement

Navigator

Favorites

[Shopping Cart](#) [Home](#) [Logout](#) [Preferences](#) [Help](#)

Shop | **Requisitions** | Receiving | Assessments

Requisitions | Notifications | Approvals

Requisitions: Requisitions >

Requisition 308785

[Copy To Cart](#)

Description **COCSECURITY PROD MNT RNW**
 Created By **ROE, BRIAN**
 Creation Date **08-Oct-2019 14:44:20**
 Deliver-To **3510 S. Michigan Ave 3rd Floor
 Chicago, Illinois, IL, 60653**
 Justification

Status [Approved](#)
 Change History **No**
 Urgent Requisition **No**
 Attachment [View](#)
 Note to Buyer

Additional Information

CAPS TRANSFER DATE
 SPECIFICATION NUMBER **105081**
 CONTRACT TYPE **RELEASE REQUISITION**
RELEASE REQUISITION
 TARGET MARKET **NO**
NO
 REASON FOR REQ **ForRELEASE**
REQUISITION ENTERED TO REQUEST A RELEASE (Task Order) Override)
 PO NUMBER
 REASON FOR MOD
 DEPT/BUREAU **57**
DEPARTMENT OF POLICE
 * BILL TO LOCATION **57-122 FIN**
 TYPE OF FUNDING
 PROJ NUM/NAME
 PROGRAM TYPE
 REQUESTOR'S PHONE # (XXX-XXX-XXXX) **Brian roe 312-745-5545**
 PROCUREMENT TYPE
 TASK ORDER (Contract-Dept-TSK-TaskNum)

Details

Line	Description	Need-By	Deliver-To	Unit	Quantity	Delivered	Qty Cancelled	Open Quantity	Price	Amount (USD)	Details	Order
1	COCSECURITY PROD MNT RNW	05-Apr-2020 00:00:00	57-125- ISD	USD	1	1	0	0	49875 USD	49,875.00		115930
Total 49,875.00												

[Return](#)

[Copy To Cart](#)

iProcurement



Shop | **Requisitions** | Receiving | Assessments

Requisitions | Notifications | Approvals

Requisitions > Requisitions > Requisition 308785 >

Approval History for Requisition 308785

OK



Previous 1-10 of 15 Next 5

Sequence	Approver	Organization Name	Action	Action Date	Notes
1	ROE, BRIAN	CITY OF CHICAGO - BUSINESS GROUP	Submit	08-Oct-2019 14:56:03	
2	ROE, BRIAN	CITY OF CHICAGO - BUSINESS GROUP	Reserve	08-Oct-2019 14:56:03	
3	BROWN, JOEL W	CITY OF CHICAGO - BUSINESS GROUP	Approve	09-Oct-2019 10:38:59	
4	BROWN, JOEL W	CITY OF CHICAGO - BUSINESS GROUP	Forward	09-Oct-2019 10:38:59	
5	WRIGHT, NATASHA LYNETTE	CITY OF CHICAGO - BUSINESS GROUP	Forward	28-Oct-2019 10:43:21	PLEASE PROVIDE PRE-APPROVAL AND FORWARD BACK TO NATASHA FOR FURTHER PROCESSING.
6	MORALES, MARIO	CITY OF CHICAGO - BUSINESS GROUP	Approve	31-Oct-2019 15:22:33	
7	MORALES, MARIO	CITY OF CHICAGO - BUSINESS GROUP	Forward	31-Oct-2019 15:22:33	
8	WRIGHT, NATASHA LYNETTE	CITY OF CHICAGO - BUSINESS GROUP	Approve	31-Oct-2019 15:57:27	
9	WRIGHT, NATASHA LYNETTE	CITY OF CHICAGO - BUSINESS GROUP	Forward	31-Oct-2019 15:57:27	
10	BELCZAK, CHLOE ELENA	CITY OF CHICAGO - BUSINESS GROUP	Approve	01-Nov-2019 13:38:25	

Previous 1-10 of 15 Next 5

OK

iProcurement



Shop Requisitions Receiving Assessments

Requisitions Notifications Approvals

Requisitions: Requisitions > Requisition 308785 >

Approval History for Requisition 308785

OK



Sequence	Approver	Organization Name	Action	Action Date	Notes
11	BELCZAK, CHLOE ELENA	CITY OF CHICAGO - BUSINESS GROUP	Forward	01-Nov-2019 13:38:25	
12	GEORGE, CHRISTY MARIE SICHER	CITY OF CHICAGO - BUSINESS GROUP	Approve	12-Nov-2019 11:39:30	
13	GEORGE, CHRISTY MARIE SICHER	CITY OF CHICAGO - BUSINESS GROUP	Forward	12-Nov-2019 11:39:30	
14	MORALES, MARIO	CITY OF CHICAGO - BUSINESS GROUP	Approve	14-Nov-2019 16:14:05	
15	MORALES, MARIO	CITY OF CHICAGO - BUSINESS GROUP	Approve	14-Nov-2019 16:14:10	

Previous 10 11-15 of 15 Next

OK

REMIT PAYMENT TO:

INVOICE

ACH INFORMATION:

E-mail Remittance To: [REDACTED]
 ROUTING NO. [REDACTED]
 ACCOUNT NAME: CDW GOVERNMENT
 ACCOUNT NO. [REDACTED]



CDW Government
 75 Remittance Drive, Suite 1515
 Chicago, IL 60675-1515



RETURN SERVICE REQUESTED

INVOICE NUMBER	INVOICE DATE	CUSTOMER NUMBER
[REDACTED]	12/30/19	[REDACTED]
SUBTOTAL	SHIPPING	SALES TAX
\$49,875.00	\$0.00	\$0.00
DUE DATE		AMOUNT DUE
02/28/20		\$49,875.00

CITY OF CHICAGO- DOIT
 DEPARTMENT OF FINANCE
 333 S STATE ST LOWR LL30
 CHICAGO IL 60604-3947
 USA

CDW Government
 75 Remittance Drive
 Suite 1515
 Chicago, IL 60675-1515

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

INVOICE DATE	INVOICE NUMBER	PAYMENT TERMS			DUE DATE	
12/30/19	[REDACTED]	Net 60 Days			02/28/20	
ORDER DATE	SHIP VIA	PURCHASE ORDER NUMBER			CUSTOMER NUMBER	
11/14/19	ELECTRONIC DISTRIBUTION	115930:0:21			[REDACTED]	
ITEM NUMBER	DESCRIPTION	QTY ORD	QTY SHIP	QTY B/O	UNIT PRICE	TOTAL
5773681	COCSECURITY PROD MNT RNW Manufacturer Part Number: COCCLEARVIEW Clearview AI technology, database, and investigative toolkit. 30 users, 24 months Electronic distribution - NO MEDIA Quote/Order Source:KXHM743 CPD Unit 125 Information Services Di vision Quote KXHM743	1	1	0	49,875.00	49,875.00

GO GREEN!

CDW is happy to announce that paperless billing is now available! If you would like to start receiving your invoices as an emailed PDF, please email CDW at paperlessbilling@cdw.com. Please include your Customer number or an Invoice number in your email for faster processing.

REDUCE PROCESSING COSTS AND ELIMINATE THE HASSLE OF PAPER CHECKS!

Begin transmitting your payments electronically via ACH using CDW's bank and remittance information located at the top of the attached payment coupon. Email credit@cdw.com with any questions.

ACCOUNT MANAGER	SHIPPING ADDRESS:	SUBTOTAL	AMOUNT
[REDACTED]	CHICAGO POLICE DEPARTMENT BRIAN ROE 312.745.5545 3510 S MICHIGAN AVE CHICAGO IL 60653-1020	\$49,875.00	
SALES ORDER NUMBER		SHIPPING	\$0.00
VW05290		SALES TAX	\$0.00
		AMOUNT DUE	\$49,875.00



Cage Code Number 1KH72
 DUNS Number 02-615-7236
 ISO 9001 and ISO 14001 Certified
 CDW GOVERNMENT FEIN [REDACTED]

HAVE QUESTIONS ABOUT YOUR ACCOUNT?
 PLEASE EMAIL US AT credit@cdw.com
 VISIT US ON THE INTERNET AT www.cdw.com

Exhibit B

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Friday, April 17, 2020 7:15 PM
To: nicholas.renfro@springfield.il.us
Subject: Someone just logged into your Clearview account

Hi Nicholas Renfro,

Someone logged into your account from the following device:

IP Address: 64.107.109.50
User-Agent: Mozilla/5.0 (Windows NT 6.1; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/80.0.3987.163 Safari/537.36

Browser: Chrome 80.0.3987
OS: Windows 7
Device: None None

If this wasn't you, please e-mail help@clearview.ai immediately with the subject "Unauthorized Login".

Best regards,
—Team Clearview

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Friday, April 17, 2020 1:35 PM
To: nicholas.renfro@springfield.il.us
Subject: Someone just logged into your Clearview account

Hi Nicholas Renfro,

Someone logged into your account from the following device:

IP Address: 64.107.109.50
User-Agent: Mozilla/5.0 (Windows NT 6.1; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/63.0.3239.108 Safari/537.36

Browser: Chrome 63.0.3239
OS: Windows 7
Device: None None

If this wasn't you, please e-mail help@clearview.ai immediately with the subject "Unauthorized Login".

Best regards,
—Team Clearview

Zimmerman, John

From: Team Clearview <help@clearview.ai>
Sent: Wednesday, April 15, 2020 2:12 PM
To: nicholas.renfro@springfield.il.us
Subject: Clearview Service Interruption

To our valued customers:

Our primary services are currently experiencing a major outage due to an extended service disruption of a critical external vendor, called Cloudflare, which powers a lot of the internet's websites. We are actively monitoring their status and working to restore our core services as soon as possible.

We apologize for the inconvenience.

- The Clearview AI team

=====
=====

Unsubscribe nicholas.renfro@springfield.il.us from this list:

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fclearview.us4.list-manage.com%2funsubscribe%3fu%3da5778ac3c583e3a4ca099c1cf%26id%3d5f9e4b38f4%26e%3d675ee9acb6%26c%3d6f48fd00f7&c=E,1,Mixhk7Dbc0iALgaPEFhpdilX8iyouHDGgHaN6s-V67IzQT1xaSb2TMj1JXHgzYZOkpYgKvyQsmCTQs4wcoKJV3z5-0d8idN81dgVuNhb8VJly5xYsfrg71cc9kY,&typo=1>

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Thursday, April 9, 2020 5:58 PM
To: nicholas.renfro@springfield.il.us
Subject: Someone just logged into your Clearview account

Hi Nicholas Renfro,

Someone logged into your account from the following device:

IP Address: 64.107.109.50
User-Agent: Mozilla/5.0 (Windows NT 6.1; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/80.0.3987.149 Safari/537.36

Browser: Chrome 80.0.3987
OS: Windows 7
Device: None None

If this wasn't you, please e-mail help@clearview.ai immediately with the subject "Unauthorized Login".

Best regards,
—Team Clearview

Zimmerman, John

From: jessica garrison <jessica@clearview.ai>
Sent: Friday, March 20, 2020 5:55 PM
To: Juan Resendez; Detective April Smiddy; Nicholas Renfro; Ryan Maddox
Subject: cv Springfield IL

Hi, and thank you for your interest in Clearview. Once you have activated your account, you can test the technology through a web browser on your computer/laptop (log in thru <https://app.clearview.ai/app/login>) and the mobile app. Additionally, if there are any other officers that would like a demo account, send me names and email addresses and I will set them up.

In order to continue with the pilot program, we must also complete the following:

- The agency must designate at least one administrator who will have the ability to monitor and manage the users.
- The agency must have at least one representative (preferably at least the administrator) participate in a brief webinar. Contact me on a day and time that is convenient for your agency. (this is optional language)
- When the 30 day free trial is over we will need to discuss the best package for your agency or termination of the pilot.

Stay Safe and I look forward to working with you.

Jess

Jessica Medeiros Garrison
205.568.4371
jessica@clearview.ai

Zimmerman, John

From: jessica garrison <jessica@clearview.ai>
Sent: Friday, March 20, 2020 5:55 PM
To: Juan Resendez; Detective April Smiddy; Nicholas Renfro; Ryan Maddox
Subject: cv Springfield IL

Hi, and thank you for your interest in Clearview. Once you have activated your account, you can test the technology through a web browser on your computer/laptop (log in thru <https://app.clearview.ai/app/login>) and the mobile app. Additionally, if there are any other officers that would like a demo account, send me names and email addresses and I will set them up.

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- When the 30 day free trial is over we will need to discuss the best package for your agency or termination of the pilot.

Stay Safe and I look forward to working with you.

Jess

Jessica Medeiros Garrison
205.568.4371
jessica@clearview.ai

Zimmerman, John

From: jessica garrison <jessica@clearview.ai>
Sent: Friday, March 20, 2020 5:55 PM
To: Juan Resendez; Detective April Smiddy; Nicholas Renfro; Ryan Maddox
Subject: cv Springfield IL

Hi, and thank you for your interest in Clearview. Once you have activated your account, you can test the technology through a web browser on your computer/laptop (log in thru <https://app.clearview.ai/app/login>) and the mobile app. Additionally, if there are any other officers that would like a demo account, send me names and email addresses and I will set them up.

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- When the 30 day free trial is over we will need to discuss the best package for your agency or termination of the pilot.

Stay Safe and I look forward to working with you.

Jess

Jessica Medeiros Garrison
205.568.4371
jessica@clearview.ai

Zimmerman, John

From: jessica garrison <jessica@clearview.ai>
Sent: Friday, March 20, 2020 5:55 PM
To: Juan Resendez; Detective April Smiddy; Nicholas Renfro; Ryan Maddox
Subject: cv Springfield IL

Hi, and thank you for your interest in Clearview. Once you have activated your account, you can test the technology through a web browser on your computer/laptop (log in thru <https://app.clearview.ai/app/login>) and the mobile app. Additionally, if there are any other officers that would like a demo account, send me names and email addresses and I will set them up.

In order to continue with the pilot program, we must also complete the following:

- The agency must designate at least one administrator who will have the ability to monitor and manage the users.
- The agency must have at least one representative (preferably at least the administrator) participate in a brief webinar. Contact me on a day and time that is convenient for your agency. (this is optional language)
- When the 30 day free trial is over we will need to discuss the best package for your agency or termination of the pilot.

Stay Safe and I look forward to working with you.

Jess

Jessica Medeiros Garrison
205.568.4371
jessica@clearview.ai

Zimmerman, John

From: Clearview AI News <noreply@clearview.ai>
Sent: Monday, March 16, 2020 2:44 PM
To: Nicholas Renfro
Subject: Important Updates: Clearview AI Newsletter



Important updates below

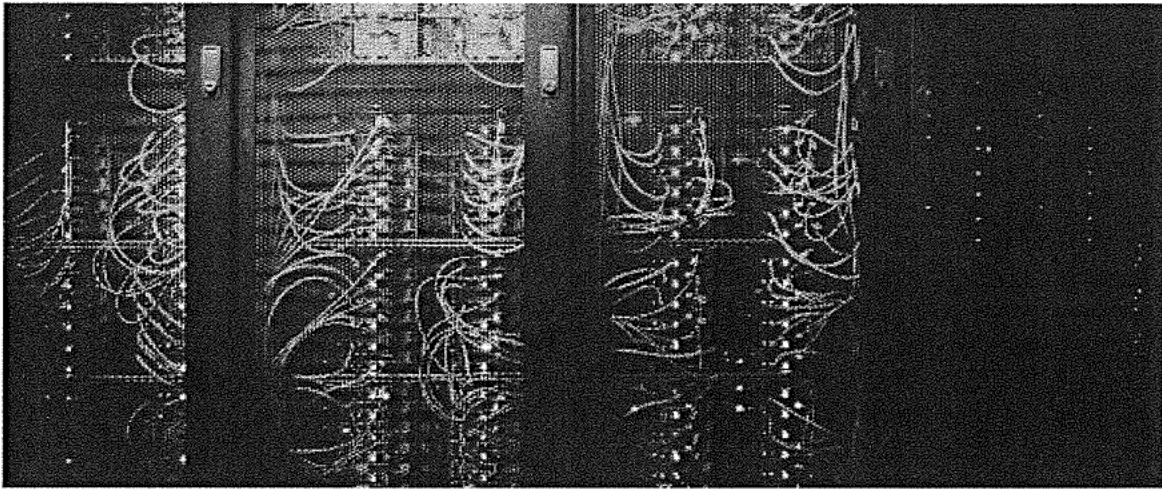


Welcome to the Clearview AI newsletter.

This is our opportunity to keep you updated on the latest news about Clearview AI.

Thank you for searching with Clearview AI and please keep reading below:

Cybersecurity



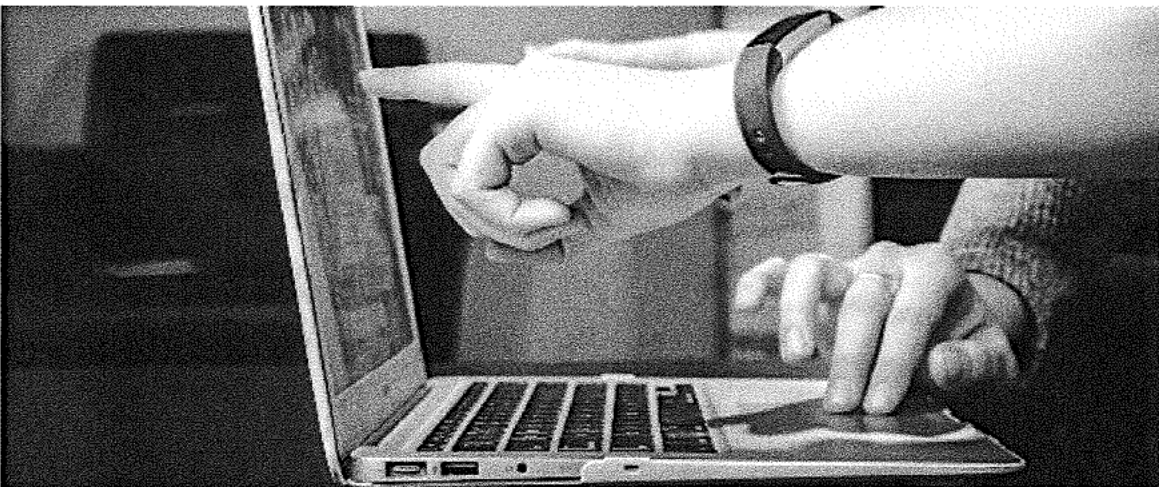
Security is our top priority, and we continue to fortify and upgrade our cybersecurity systems.

You may have noticed some new changes already, such as our log-in alerts. There will be more coming down the pipeline.

Remember to protect your Clearview AI account with a strong password that includes letters, numbers, and symbols. You can always update your password when you are logged in to Clearview on desktop using the menu on the left-hand side of the screen. Log in to Clearview AI [here](#).

UPDATE: A month ago, someone gained unauthorized access to our organization list. No passwords or any personally identifiable information were revealed. Our servers were not breached. Once identified, the issue was resolved and repaired within 24 hours.

Clearview AI is up & running 24/7



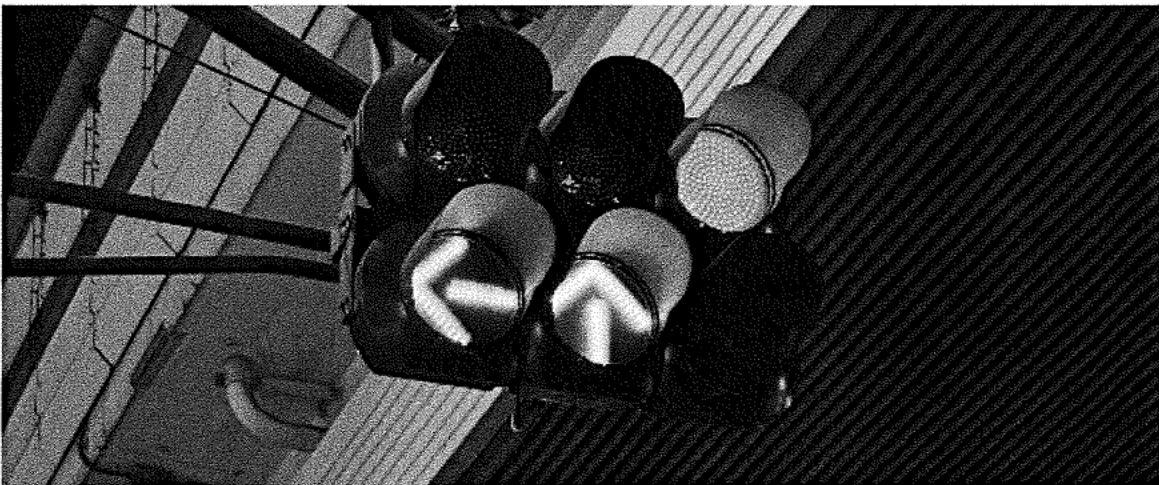
Clearview AI operates like search engines such as Google and Bing. The difference is we collect far less data than those global search engines. Clearview AI only indexes public images and their web addresses.

Our database of more than 3 billion publicly available images from the open web continues to grow, and you can continue to search it. Clearview AI does not index private or protected data. Our service remains as broad and fast as it has ever been.

Clearview is working to help government officials understand our technology, addressing all legal inquiries appropriately. Clearview AI operates in accordance with the U.S. Constitution and American law and are confident that nothing will affect your ability to use our product.

You can read our Legal White Paper by former Acting U.S. Attorney General and former U.S. Solicitor General Paul Clement [here](#).

Search integrity



Clearview AI continues to develop tools and guidelines for responsible use and integrity.

Like all investigative tools, it's important that Clearview AI is used properly. Remember to read and abide by our Code of Conduct and Terms of Service. Administrators can access full audit logs for their organizations at all times, and can use our audit tools to ensure appropriate use.

The Indiana Intelligence Fusion Center has developed an excellent set of policies that may be helpful to your department. You can find the IIFC guidelines [here](#).

Until next time. Stay safe.



Got questions? Contact your Clearview AI rep or shoot us an e-mail at help@clearview.ai

This email was sent to nicholas.renfro@springfield.il.us
[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)

Clearview AI · 135 W 41st St Fl 5 · New York, NY 10036-7320 · USA

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Sunday, March 15, 2020 2:33 PM
To: nicholas.renfro@springfield.il.us
Subject: Someone just logged into your Clearview account

Hi Nicholas Renfro,

Someone logged into your account from the following device:

IP Address: 64.107.109.50
User-Agent: Mozilla/5.0 (Windows NT 6.1; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/63.0.3239.108 Safari/537.36

Browser: Chrome 63.0.3239
OS: Windows 7
Device: None None

If this wasn't you, please e-mail help@clearview.ai immediately with the subject "Unauthorized Login".

Best regards,
—Team Clearview

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Monday, March 2, 2020 3:03 PM
To: nicholas.renfro@springfield.il.us
Subject: Someone just logged into your Clearview account

Hi Nicholas Renfro,

Someone logged into your account from the following device:

IP Address: 2600:387:b:7::8b
User-Agent: Clearview/1.2 (com.sc.Search; build:66; iOS 13.3.0) Alamofire/5.0.0
Device: iPhone XR
Browser: Other
OS: iOS 13.3.0
Device: None None

If this wasn't you, please e-mail help@clearview.ai immediately with the subject "Unauthorized Login".

Best regards,
—Team Clearview

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Monday, March 2, 2020 2:58 PM
To: nicholas.renfro@springfield.il.us
Subject: Reset your Clearview password

Hi Nicholas Renfro,

Click the button below to reset your Clearview password:

Reset Password

Remember: your password must be at least 8 characters long and contain a number.

Feel free to reach out to if you have any questions, comments, or feedback. Just reply to this e-mail or contact help@clearview.ai

Best regards,
—Team Clearview

Zimmerman, John

From: Nicholas.Renfro@springfield.il.us
Sent: Saturday, January 4, 2020 1:48 PM
To: Juan.Resendez@springfield.il.us
Subject: Get a free copy of Clearview

Check out Clearview, the best tool for solving cases! <https://clearview.ai/i/ZICZ>

Sent from my iPhone

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Monday, December 30, 2019 9:42 AM
To: nicholas.renfro@springfield.il.us
Subject: Refer your colleagues to Clearview

Hi Nicholas Renfro,

Do you know any law enforcement officers who should try out Clearview? Just click or tap "Invite User" on the left-hand side of the screen when you're logged in to Clearview on desktop or mobile to refer them.

We'll get them set up with a free Clearview demo account immediately. Feel free to refer **as many officers and investigators** as you want. No limits. The more people searching, the more successes.

You can also send them the link to our website at www.clearview.ai and tell them to click the "Request Access" button, or send us their names and e-mail addresses by replying to this email or by sending an email to help@clearview.ai and we'll set them up.

Feel free to reach out to if you have any questions, comments, or feedback. Just reply to this e-mail or contact help@clearview.ai

Best regards,

—Team Clearview

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Thursday, December 26, 2019 9:35 AM
To: nicholas.renfro@springfield.il.us
Subject: Can you get to 100 searches with Clearview?

Hi Nicholas Renfro,

Your Clearview account has **unlimited** searches. Don't stop at one search. Or ten. **Try to reach 100 searches with Clearview.**

Investigators who do 100+ Clearview searches have the best chances of **successfully solving crimes** with Clearview in our experience. It's the best way to thoroughly test the technology. You never know when a search will turn up a match. It only takes 1-5 seconds to find out with Clearview, unlike other facial identification systems.

The more searches, the more matches. It's a numbers game. The investigators who search the most are the investigators who solve the most cases. Our proprietary database is the biggest in the world and gets bigger every day. Every new day means more potential results from Clearview.

Feel free to reach out to if you have any questions, comments, or feedback. Just reply to this e-mail or contact help@clearview.ai

Best regards,

—Team Clearview

Zimmerman, John

From: Jessica Medeiros Garrison <jessica@clearview.ai>
Sent: Saturday, December 21, 2019 11:18 AM
To: Renfro, Nicholas
Subject: Re: cv
Attachments: Pricing.TaxID.Services.pdf; attachment.html

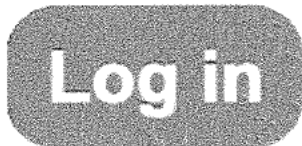
Hi there. Yes this is a trial period for you to test the technology. If you find it beneficial to the department we need to move to procurement. We can put as many people on the trial as you like. All I need our names and email addresses and I can set up their accounts. Attached is the pricing. I'm happy that this is helpful to you. If you purchase more than 10 licenses we can definitely get the per user cost down.

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Saturday, December 21, 2019 10:47 AM
To: nicholas.renfro@springfield.il.us
Subject: Login to Clearview

Hi there!

Click the button below to log in to Clearview:



Feel free to reach out to if you have any questions, comments, or feedback. Just reply to this e-mail or contact help@clearview.ai

Best regards,
—Team Clearview

Zimmerman, John

From: Nicholas.Renfro@springfield.il.us
Sent: Saturday, December 21, 2019 10:43 AM
To: jessica@clearview.ai
Subject: RE: cv

Thank you! I just have one question. I'm a member of our violent crime unit and noticed on the mobile app it stated I was using a trial version. Does this mean my account will require a payment at a certain point? I'm curious as I would like to present this software to the rest of my team but if I do not have all the information and the app stops working this could be bad for an ongoing investigation. Thank you again!

Respectfully Submitted,
Officer Nicholas Renfro
Street Crimes Unit
Springfield Police Department
800 E. Monroe St
Springfield, IL 62701
217-788-8325
nicholas.renfro@springfield.il.us



"Beware that, when fighting monsters, you yourself do not become one." -Friedrich Nietzsche

From: Jessica G [mailto:jessica@clearview.ai]
Sent: Wednesday, December 18, 2019 7:28 PM
To: Renfro, Nicholas
Subject: cv

Good evening. You should have an email from Team Clearview with your account activation link. I encourage you to test the tech on computer/laptop (log in thru <https://app.clearview.ai/app/login>) and the mobile app. Also attached is general info and sample success stories and a doc with some tips on how to best use photos. If you would find a video demo call helpful just let me know. Finally – if there are any other officers/agents that would like an account just send me names and emails.

Please do not hesitate to contact me with any questions.

- Jess

Jessica Medeiros Garrison
Jessica@clearview.ai
205.568.4371

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Saturday, December 21, 2019 9:22 AM
To: nicholas.renfro@springfield.il.us
Subject: Take a selfie with Clearview

Hi Nicholas Renfro,

Have you tried taking a selfie with Clearview yet? See what comes up! It's the best way to quickly see the power of Clearview in real time. Try your friends or family. Or a celebrity like Joe Montana or George Clooney.

Your Clearview account has **unlimited** searches. So feel free to run wild with your searches. Test Clearview to the limit and see what it can do. The photos you search with Clearview are **always** private and **never** stored in our proprietary database, which is totally separate from the photos you search.

You can get Clearview on your iPhone or Android cell phone by clicking "Get Mobile App" on the left-hand side of the screen when you're logged in to Clearview on desktop.

To log in to Clearview on desktop just click the button below:



You can also upload a photo of yourself to Clearview on your desktop computer.

Feel free to reach out to if you have any questions, comments, or feedback. Just reply to this e-mail or contact help@clearview.ai

Best regards,

—Team Clearview

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Thursday, December 19, 2019 7:22 PM
To: nicholas.renfro@springfield.il.us
Subject: Verify your email for Clearview

Hi Nicholas Renfro,

Welcome to Clearview, please click the link below to verify your email:

https://app.clearview.ai/confirm_email/Im5pY2hvbGFzLnJlbnZyb0BzcHJpbmdmaWVsZC5pbC51cyI.EN2znw.ZUxWNdUOGTVOnw8ZfKST5T07Cdk

Thanks,
Team Clearview

PS. If you have any issues or questions, just reply to this email

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Thursday, December 19, 2019 7:22 PM
To: nicholas.renfro@springfield.il.us
Subject: How to use Clearview

Hi Nicholas Renfro,

You should have a setup email in your inbox shortly. It only takes one minute to install and start searching.

Here are three important tips for using Clearview:

1. **Search a lot.** Your Clearview account has **unlimited** searches. Don't stop at one search. See if you can reach 100 searches. It's a numbers game. Our database is always expanding and you never know when a photo will turn up a lead. Take a selfie with Clearview or search a celebrity to see how powerful the technology can be.
2. **Refer your colleagues.** The more people that search, the more successes. We want to make this advanced technology available to as many investigators as possible. If you think your colleagues might want to try Clearview out for themselves, just send their names and e-mail addresses to help@clearview.ai and we'll sign them all up too.
3. **Get Clearview for the long haul.** If you like Clearview at the end of your trial period and it's helping you solve cases, put us in touch with the appropriate person at your organization who can proceed with procurement.

Feel free to reach out to if you have any questions, comments, or feedback. Just reply to this e-mail or contact help@clearview.ai

Finally, please note the disclaimer at the bottom.

Best regards,

— Team Clearview

OFFICIAL DISCLAIMER

Search results established through Clearview AI and its related systems and technologies are indicative and not definitive.

Clearview AI, Inc. makes no guarantees as to the accuracy of its search-identification software. Law enforcement professionals MUST conduct further research in order to verify identities or other data generated by the Clearview AI system.

Clearview AI is neither designed nor intended to be used as a single-source system for establishing the identity of an individual.

Furthermore, Clearview AI is neither designed nor intended to be used as evidence in a court of law.

Zimmerman, John

From: help=clearview.ai@mg.clearview.ai on behalf of Team Clearview <help@clearview.ai>
Sent: Wednesday, December 18, 2019 8:38 PM
To: nicholas.renfro@springfield.il.us
Subject: Please activate your Clearview account

Hi Nicholas Renfro,

You have been invited to Clearview! **To activate your account please click the button below:**

Activate Account

It only takes **one minute** to install and start searching.

Remember: your password must be 8 characters and contain a number.

What's Clearview?

Clearview is like **Google Search for faces**. Just upload a photo to the app and instantly get results from mug shots, social media, and other publicly available sources.

Our technology combines the **most accurate** facial identification software worldwide with the **single biggest** proprietary database of facial images to help you find the suspects you're looking for.

Feel free to reach out to if you have any questions, comments, or feedback. Just reply to this e-mail or contact help@clearview.ai

Best regards,
—Team Clearview

Zimmerman, John

From: Jessica G <jessica@clearview.ai>
Sent: Wednesday, December 18, 2019 7:28 PM
To: nicholas.renfro@springfield.il.us
Subject: cv
Attachments: Clearview_Search_Tips.pdf; Success Stories.pdf

Good evening. You should have an email from Team Clearview with your account activation link. I encourage you to test the tech on computer/laptop (log in thru <https://app.clearview.ai/app/login>) and the mobile app. Also attached is general info and sample success stories and a doc with some tips on how to best use photos. If you would find a video demo call helpful just let me know. Finally – if there are any other officers/agents that would like an account just send me names and emails.

Please do not hesitate to contact me with any questions.

- Jess

Jessica Medeiros Garrison
Jessica@clearview.ai
205.568.4371

Stop Searching. Start Solving.

Clearview provides clients with its proprietary technology, database and investigative tools on a subscription basis. A Licensed User's subscription includes:

- ✓ • Unlimited Use of CV's Proprietary Research System for its Licensed Users.
- ✓ • Unlimited Access to CV's Proprietary Image Database for its Licensed Users.
- ✓ • Each Licensed User Account includes smartphone CV application
- ✓ • Each Licensed User Account includes lap/desktop versions of CV Program
- ✓ • Alerts for Images that are added to the CV database that match a previous saved search
- ✓ • Alerts for Images that are added to Client's database that match a previous saved search
- ✓ • Help-Desk Support

Annual 12-month Subscription Rates

2 Seats: \$5,000 (minimum purchase)

3+ Seats: \$2,000/user

Unlimited License (Unlimited Users): Negotiated Flat Fee

For More Information: Jessica Medeiros Garrison
(e) Jessica@clearview.ai (c) 205.568.4371

Time is law enforcement's most valuable resource. Clearview puts the world's most advanced facial-recognition technology and largest image database into their hands, allowing them to turn a photograph into a solid lead in an instant.



Tax ID: 82-2397610

Clearview Ai, Inc.
15 West 72nd St. Suite 23-S New York, NY 10023

What is Clearview? Clearview's mission is to drastically reduce crime, fraud and risk in order to make communities safer and commerce secure.

Clearview provides law enforcement a revolutionary facial search engine. From a single image it can instantly and accurately return photos matching that face from the Internet and other publicly available sources.




Paul Clement Legal Implications Briefing Counsel to Clearview

KIRKLAND & ELLIS LLP

MEMORANDUM

TO: Clearview AI, Inc.

FROM: Paul D. Clement, Esq. 

DATE: August 14, 2019

RE: Legal Implications of Clearview Technology

Clearview is an investigative application that uses state-of-the-art facial-recognition technology to match the face in a user-uploaded image to faces in publicly available images. It is designed to be used in ways that ultimately reduce crime, fraud, and risk in order to make communities safer. This memorandum analyzes the potential legal implications of Clearview's use by public entities as an investigative tool. We conclude, based on our understanding of the product, that law enforcement agencies do not violate the federal Constitution or relevant existing state biometric and privacy laws when using Clearview for its intended purpose. Moreover, when employed as intended, Clearview's effective and evenhanded facial-recognition technology promotes constitutional values in a manner superior to many traditional identification techniques and competing technologies.

(Pew, 9/19)

Trust in the Law...

Percentage of Americans who say they trust these groups to use facial recognition technology responsibly

■ A great deal ■ Somewhat ■ Not too much ■ Not at all

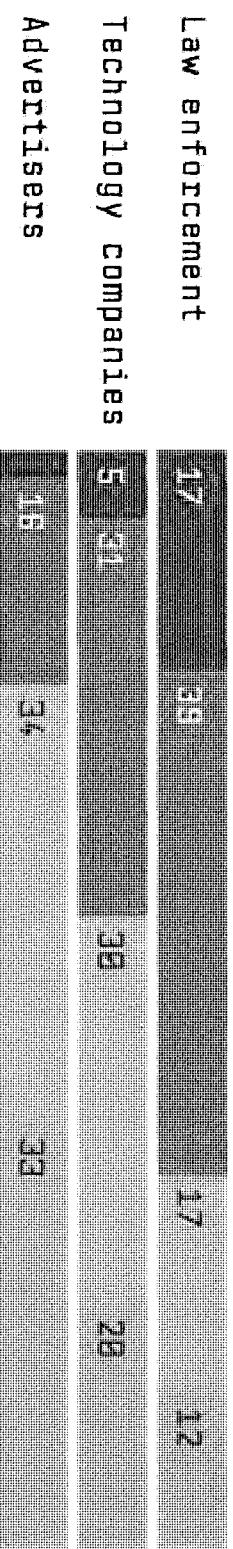
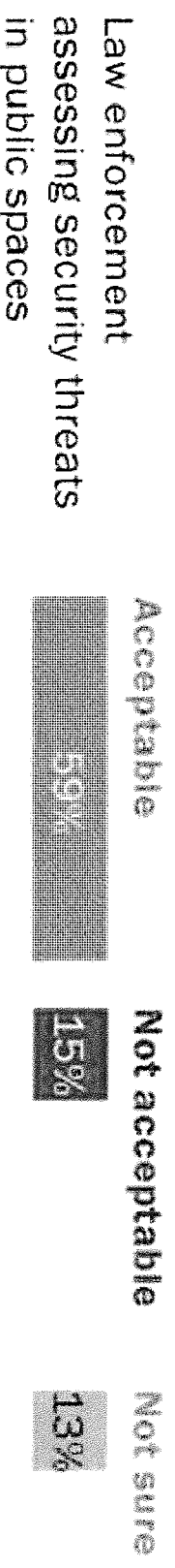


Chart: QIMED - Source: Pew Research Center

Majority of Americans find it acceptable for law enforcement to use facial recognition to assess threats in public spaces

% of U.S. adults who say the use of facial recognition technology in the following situations is ...



Accuracy Test Report

In October 2019, the undersigned Panel conducted an independent accuracy test of Clearview AI...For the purposes of this analysis, the Panel used the same basic methodology used by the American Civil Liberties Union (ACLU) in its July 2018 accuracy test of Amazon's Rekognition technology.

The ACLU's approach entailed comparing photographs of all 535 members of the U.S. House of Representatives and Senate against a database of 25,000 arrest photos. The test resulted in 28 members of Congress being incorrectly matched to arrestees from the photo database.

With those important concerns in mind, the Panel conducted the same test of Clearview. Along with analyzing all 535 members of Congress, the Panel also analyzed all 119 members of the California State Legislature and 180 members of the Texas State Legislature, for good measure.

The test compared the headshots from all three legislative bodies against Clearview's proprietary database of 2.8 billion images (112,000 times the size of the database used by the ACLU). The Panel determined that Clearview rated 100% accurate, producing instant and accurate matches for every one of the 834 federal and state legislators in the test cohort.

Conducted Independently By:



Hon. Jonathan Lippman

Nicholas Cassimatis, PhD

Aaron M. Renn

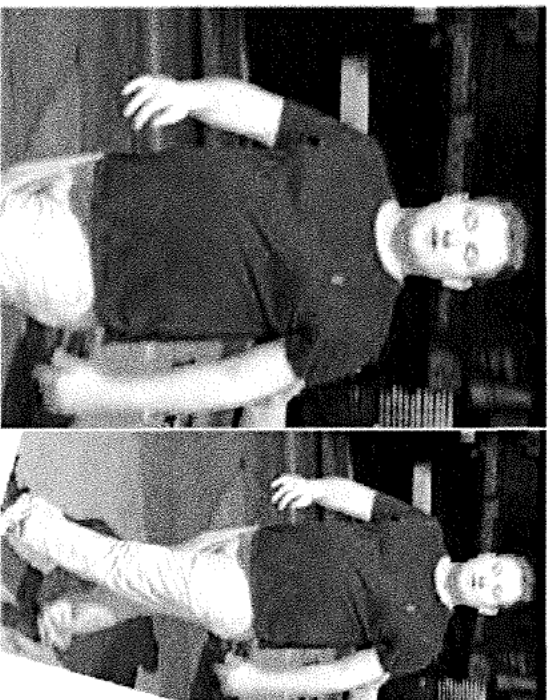
- Judge Lippman served as Chief Judge of the State of New York from 2009 to 2015....
- Nicholas Cassimatis is former Chief of Samsung's North American AI Research
- Aaron Renn is a Senior Fellow at the Manhattan Institute

In late 2018, the Clearview team began testing its technology's capability to solve crimes by scanning images pulled from news reports about persons of interest.

On September 24, 2018, **The Gothamist** published a photo of a man who assaulted two individuals outside a bar in Brooklyn, NY.

Two Men Assaulted After Leaving Williamsburg Gay Bar

BY JEN CHUNG FRIEDMAN FOR THE GOTHAMIST



2 similar results



Using Clearview, we instantly identified the assailant and sent the tip to the police, who confirmed his identity.



Clearview begins to launch pilot programs with law enforcement.

Detectives begin breaking unsolved cases involving pedophiles, credit-card fraud, sexual harassment, ATM theft and hate-crimes.

Here are some of their stories...

NYC Bomb Scare

<https://www.youtube.com/watch?v=JqA9ccpJU04>

Click here  to see News Coverage

AP

Police seek to question man in NYC rice cooker bomb scare

Police seek to question man in NYC rice cooker bomb scare

By JENNIFER PELTZ August 18, 2013



Man accused of placing fake rice cooker bombs in subway held on \$200K bond

By CJ Savarin August 18, 2013 8:45pm

MORE ON BOMB SCARES
Van loaded with 1,000 gallons of gas forces Baltimore evacuation

New York City pressure cooker suspect has bail set at \$200K

Police officials at Newark

West Virginia man who allegedly packed a bag of rice cookers in the panic by scattering a pair of rice cookers in the Fulton Street subway station Friday was ordered held on \$200,000 bond following his arraignment Sunday.

Larry Griffin II, 26, was charged with making a



RELATED TOPICS

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- Manhattan
- Manhattan Explosion
- US News
- General News

NEW YORK (AP) — Three abandoned devices that looked like pressure cookers caused an evacuation of a major New York City subway station and closed off an intersection in another part of town Friday morning before police determined the objects were not explosives.

Police were looking to talk to a man seen on surveillance video taking two of the objects — police identified as rice cookers — out of a shopping cart and placing them in a subway's lower Manhattan. In photos released by authorities, the young man is seen standing by elevator and then lugging a cooker in.

The police stressed that so far, it wasn't clear whether he was trying to frighten people by throwing the objects away.

"I would stop very short of calling him a suspect," said John Miller, the New York Police Department's top counterterrorism official. "It is possible that somebody put out a bunch of items in the trash today and this guy picked them up and then discarded them, or it's possible that this was an intentional act."

Earlier, Gov. Andrew Cuomo had said authorities suspected the items were placed in the subway



West Virginia Man Sought by NYPD After 3 F Manhattan Spark Rush-Hour Scare

A report of the first two items at the Fulton Street station came in around 7:30 a.m. At 8:25 a.m., which is when the third device was found.

By Jonathan Cheng, Kate Santos, Andrew Siff, Eric Byfield and Jennifer Millman August 18, 2013

SEARCH FOR PERSON OF INTEREST IN RICE COOKER SCARE

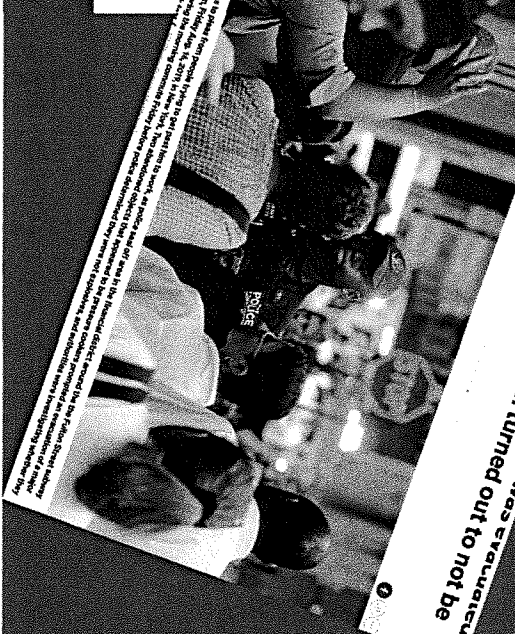
Police are searching for a man who is suspected of placing rice cookers in the subway station.

after police found rice cookers, which turned out to not be explosives

Police officials at Newark

West Virginia man who allegedly packed a bag of rice cookers in the panic by scattering a pair of rice cookers in the Fulton Street subway station Friday was ordered held on \$200,000 bond following his arraignment Sunday.

Larry Griffin II, 26, was charged with making a



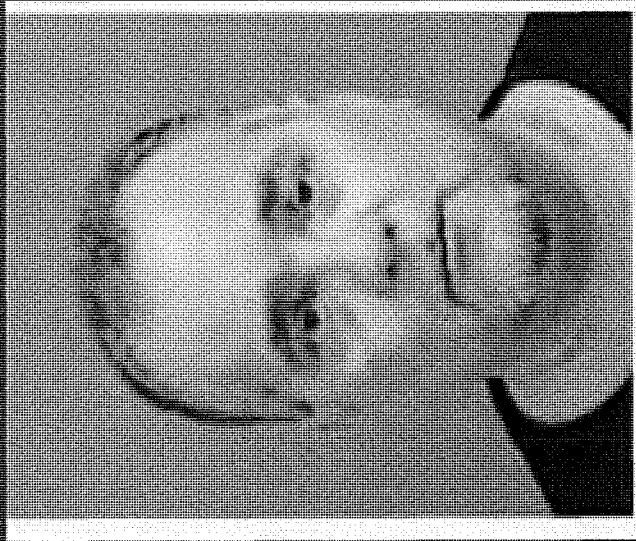
Financial Fraud

Vineland Police: Fraud suspect pretended to be car salesman

VINELAND — Police announced the arrest of a man who allegedly committed fraud by selling rented cars as his own. James Mero was arrested on Nov. 15. At the time of his arrest, according to reports, he was found in possession of numerous documents that lead investigators to believe there are additional victims in the South Jersey area...Mero would rent vehicles from a local car rental agency and attempt to sell them to residents, accepting down payments and deposits from the victims. Mero also allegedly took potential victims to car dealerships after hours on Sundays, claiming to be a salesperson.

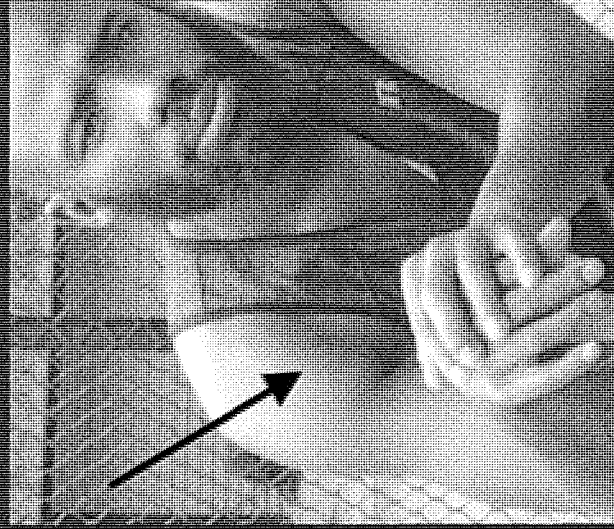
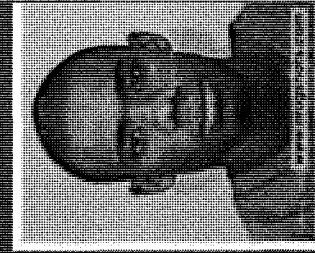
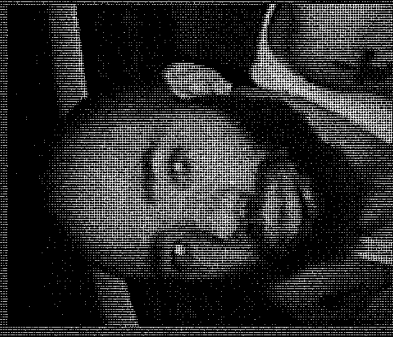
Det. Sgt. Robert Powell
Raleigh Police Department
Financial Crimes Unit

James Mero was identified using Clearview when a BOLO was disseminated using a photo from one of the victims. Mero had been released from federal prison in November 2018, serving time for fraud, and made his way to Raleigh. Total Loss Exposure was \$191,536.46 with 15 known victims. On June 3, 2019, US Marshal TFO Brian Lindsey and the US Marshals located and arrested James Mero in Henderson, NC. Mero was wanted on an outstanding federal probation warrant and several financial crimes warrants. The interview with Mero also elicited incriminating statements as well as his consent to examine his cell phone. Initial review of the cell phone found not only incriminating information to his fraudulent activity but child pornography.

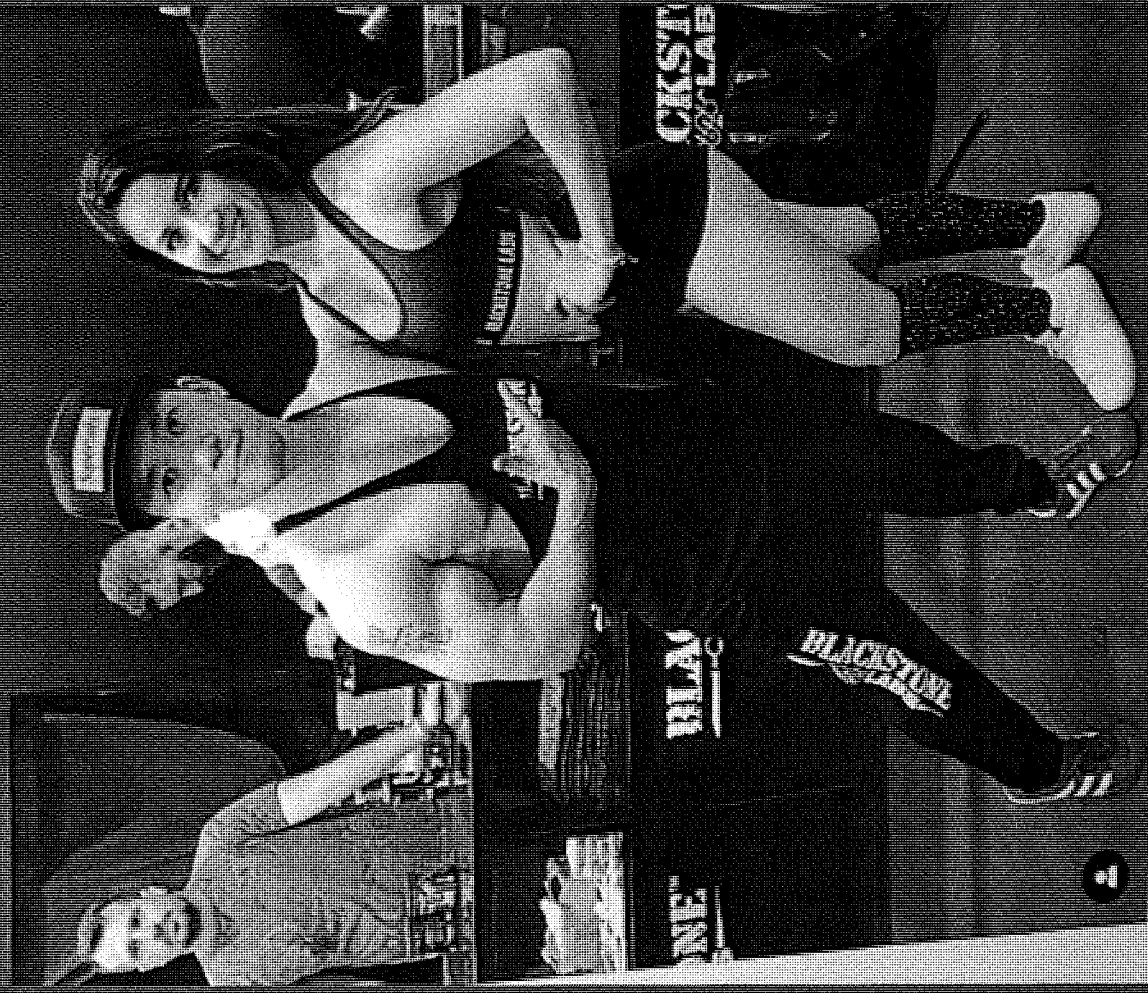


Mailbox Theft

Mail theft is a big problem in the Atlanta area. Detective Scott Harrell received a request for assistance in identifying a mailbox theft suspect. One potential victim, in a heavily hit area, installed a camera in his mailbox. When the suspect opened the mailbox, he did not get out of the car to retrieve the mail but just leaned into the mailbox. This allowed the camera to capture a full frontal facial image. The detective ran the image through Clearview. This produced positive identification based on definitive tattoos on the suspect's shoulder. Clearview returned a 10 year old mugshot and social media photos that corroborated the other evidence on file.



Crimes Against Children



Las Vegas, Nevada – A federal Child Exploitation Investigations Unit had been investigating a major child pornography/exploitation case in Las Vegas. They were reviewing a series of 14 photographs. Two photos included the image of a John Doe in the background. Agents searched the face against available criminal databases and found nothing. A subsequent search of the image through Clearview enabled the investigators to quickly identify the man. This was a major break in this case.

Crimes Against Children

Birmingham, Alabama – the images below were used in identifying a John Doe suspect in a child enticement case.

The image is a screenshot of a social media search interface. At the top, there is a search bar with the text "Ashlee Elrod" and a magnifying glass icon. Below the search bar, there are four profile pictures of a woman with dark hair, identified as Ashlee Elrod. Each profile picture is accompanied by a name and a URL. The first profile picture is a close-up of her face. The second profile picture is a photo of her with a white cloth covering her mouth. The third profile picture is a photo of her with a white cloth covering her mouth, with the text "THE" visible in the background. The fourth profile picture is a photo of her with a white cloth covering her mouth. The interface also includes a "New Photos" section with a "History" button and a "Search" button. A timestamp "Taken at 3:55 PM" is visible next to the first profile picture.

New Photos

History Search

Taken at 3:55 PM

Ashlee Elrod Found 4 Images

Ashlee Elrod [http://www.facebook.com/ashleeelrod](#)

Ashlee Elrod [http://www.facebook.com/ashleeelrod](#)

Ashlee Elrod [http://www.facebook.com/ashleeelrod](#)

Ashlee Elrod [http://www.facebook.com/ashleeelrod](#)

Grand Theft / Forgery

MIAMI BEACH POLICE
 MIAMI BEACH POLICE DEPARTMENT
 1100 WASHINGTON AVE.
 MIAMI BEACH, FL. 33139

LEAD DETECTIVE: K. LUGO MARTINEZ
 LOCATION: 206 W 35th STREET

CASE # 2017-13077
 SUBJECT: SARA DE LA ROSA

**WANTED/ PC TO ARREST
 GRAND THEFT / FORGERY**

Person

SUBJECT: SARA DE LA ROSA
 DOB: 03/22/1993
 RACE: W/F
 HEIGHT: 5'02
 WEIGHT: 140
 KA: 3055 NW 190th ST, APT 102
 AVENTURA, FL. 33186

TSR Sgt. Lora

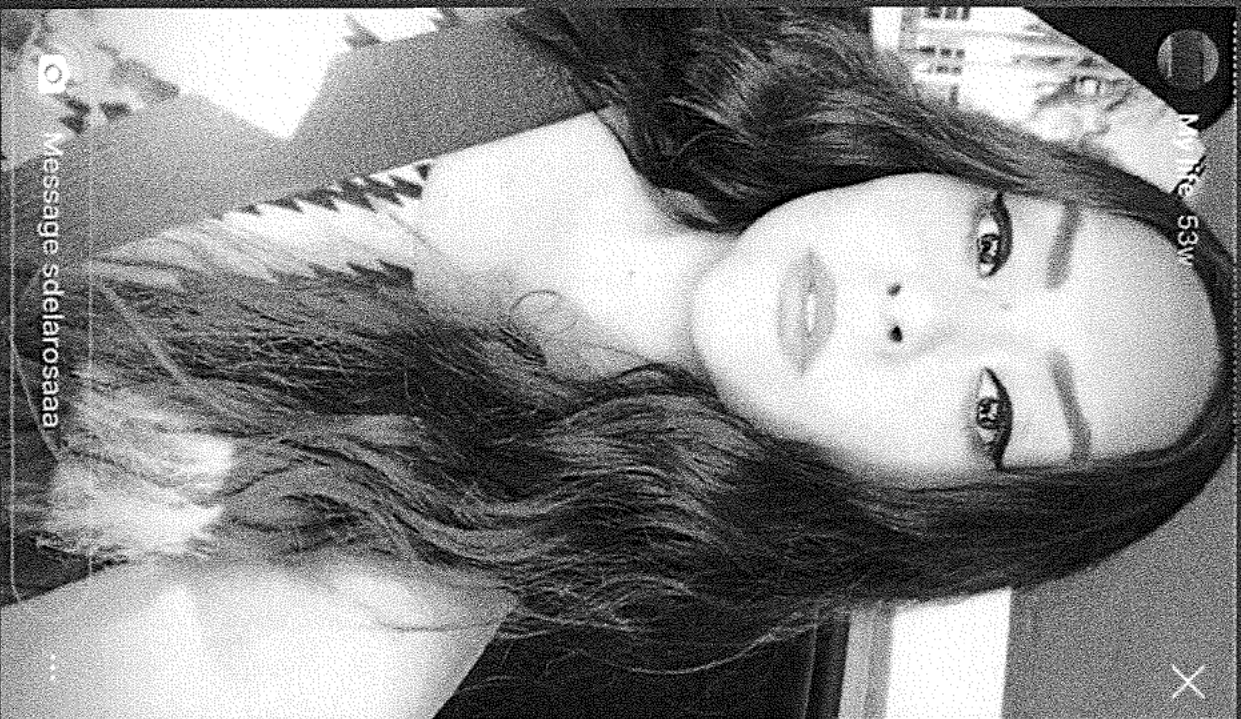
THE ABOVE SUBJECT IS WANTED FOR A GRAND THEFT AT THE LISTED LOCATION. CONTACT SHOULD BE MADE PRIOR TO THE SUBJECT'S ARRIVAL AT THE AIRPORT. CONTACT SHOULD NOT BE MADE PRIOR TO THE SUBJECT'S ARRIVAL AT THE AIRPORT. CONTACT SHOULD NOT BE MADE PRIOR TO THE SUBJECT'S ARRIVAL AT THE AIRPORT. CONTACT SHOULD NOT BE MADE PRIOR TO THE SUBJECT'S ARRIVAL AT THE AIRPORT.

ARTINEZ AT 305-673-7776 EXT. 3791. KATRINALUGO@MIAMI BEACHFL.GOV
 YOURS CONTACT PSCU SUPERVISOR AT 305-673-7870



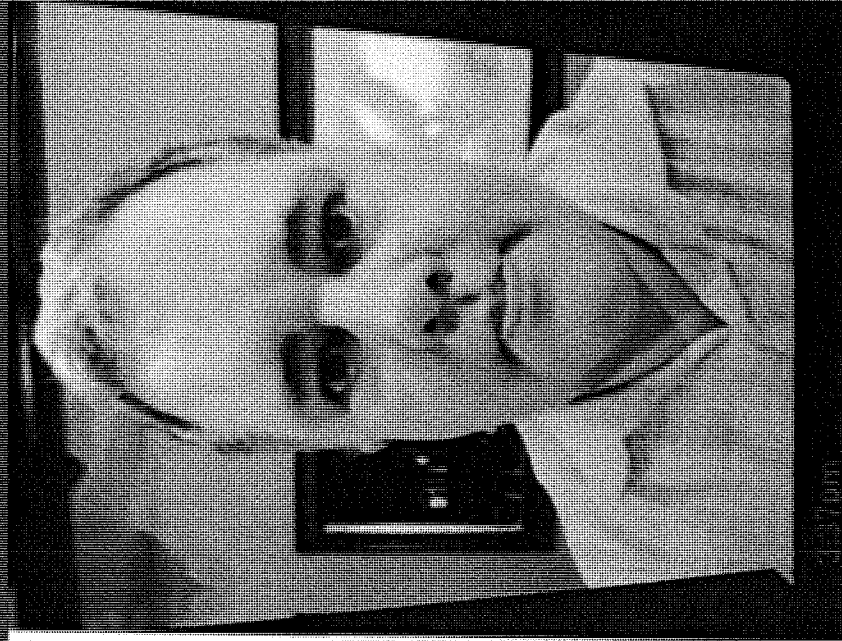
This female suspect alluded law enforcement for several years and was wanted for 17 counts of forgery. Using Clearview, the Sergeant received intelligence that led to her identification and the fact that she was returning from a trip to the Bahamas courtesy of the return ticket she had posted in a photo. The investigator notified TSA, customs and the airline. The suspect was arrested at the gate. Criminal prosecution is pending.

Sergeant Balceiro's unit assists multiple departments with identifying suspects of crimes ranging from drugs, prostitution and theft. In his words, "Great product! Every investigator should have this as a tool". - Sergeant Juan Balceiro, Crime Suppression Unit, Miami Beach Police Department

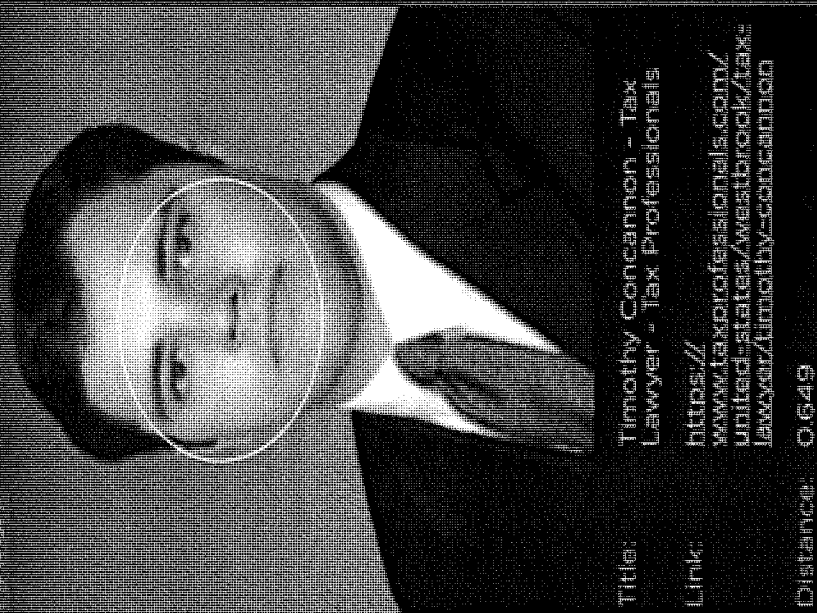


Pedophile

- Law enforcement was unable to identify this suspect in a NY child pedophile investigation.
- Using Clearview, they matched the facial image to a tax professional through a public website.
- After follow-up investigation, he was arrested six days later.

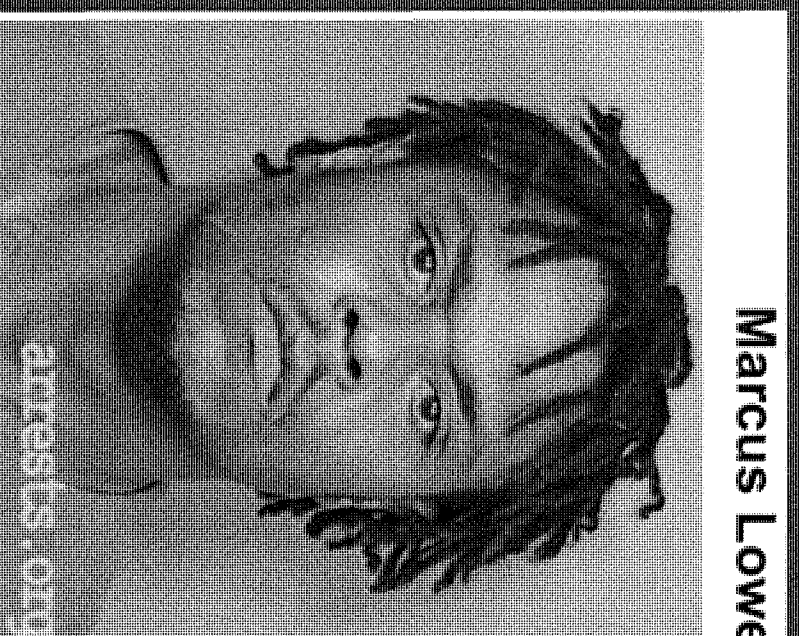
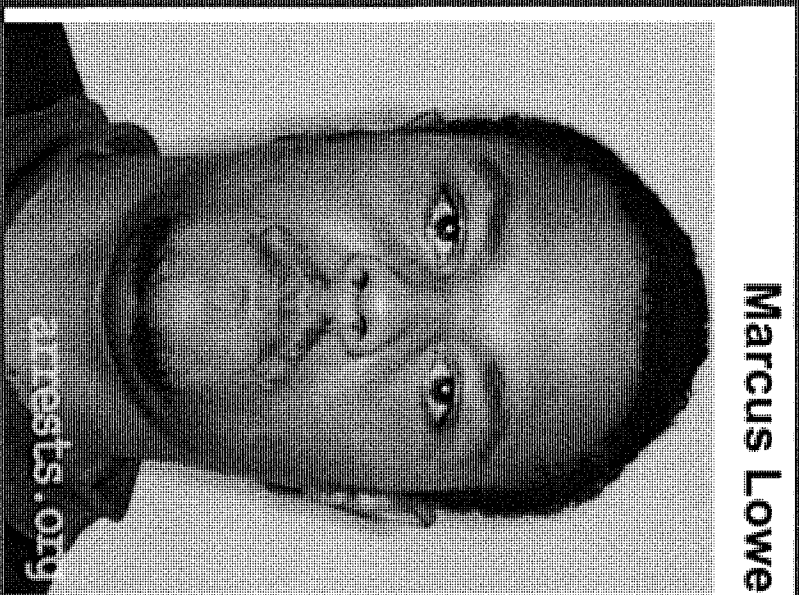


MATCH



Deceased John Doe

This John Doe victim was found shot on a sidewalk. The officer used the Clearview app to receive information leading immediately to his identity.



Robbery

Jacks Fast Food Robbed by masked gunman. When the suspect was arrested, he was still in possession of the Regions Bank bag the money was placed in during the robbery.



X **Search Results**
5 Faces
Name Search No Info Found

Rakim Lubin 9/20/11

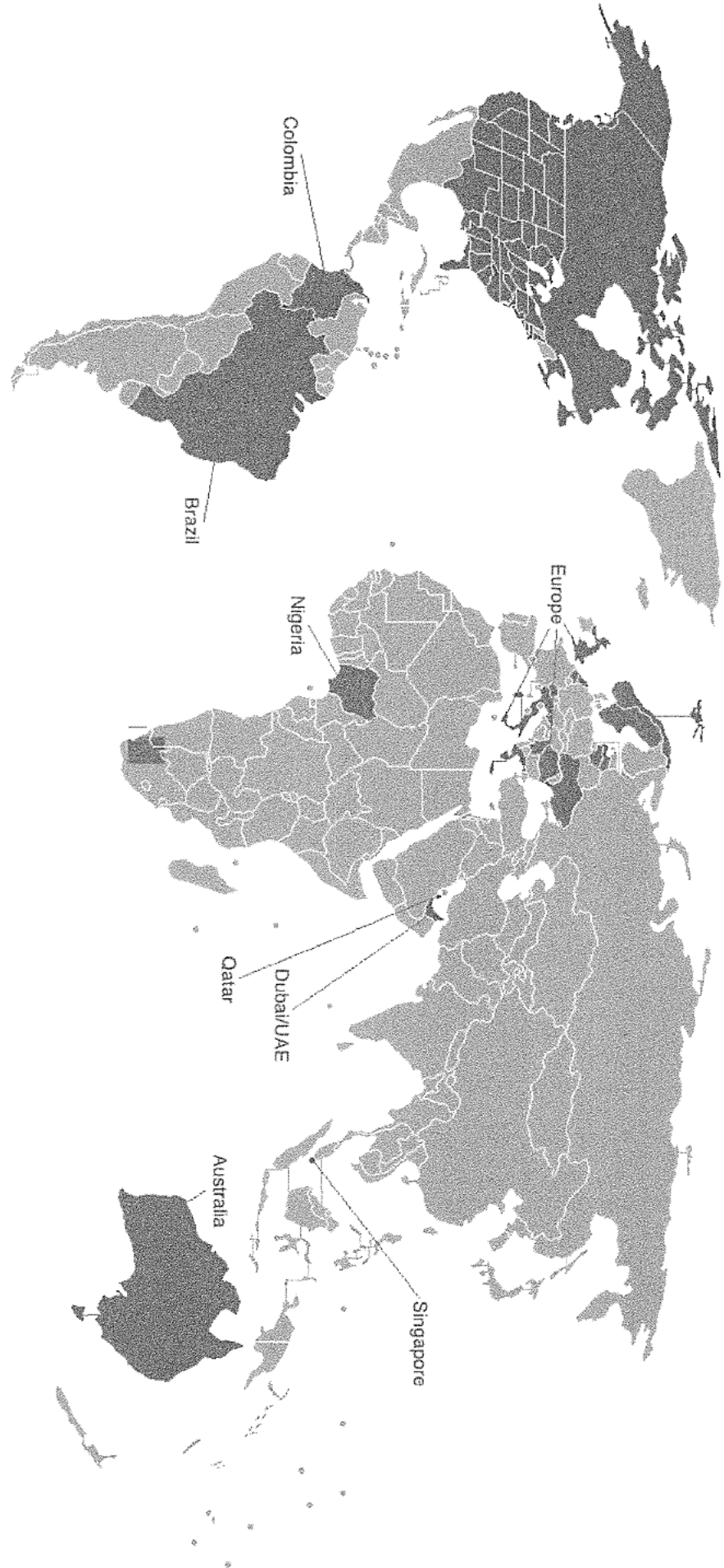
Rakim Lubin 9/20/11

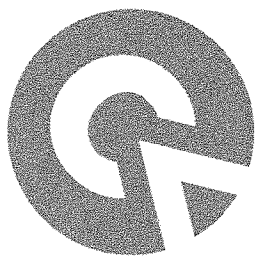
Rakim Lubin 9/20/11

Did you find who you were looking for?

A grid of search results for 'Rakim Lubin'. It shows three photos of a man in a suit and one circular photo of a man in a dark hoodie.

RAPID INTERNATIONAL EXPANSION





clearview AI

Stop Searching. Start Solving.

Exhibit C

From: Alerts@crimedex.com
Sent: Tuesday, July 9, 2019 10:24 AM
To: Alerts@crimedex.com
Subject: How To Solve More Crimes Instantly With Facial Identification

Alert Number: 328860

Date Published: 07/08/2019

Subject: How To Solve More Crimes Instantly With Facial Identification

Distribution: States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Federated States of Micronesia, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Marshall Islands, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, Puerto Rico, Rhode Island, Samoa, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Armed Forces (Africa), Armed Forces (Americas except Canada), Armed Forces (Canada), Armed Forces (Europe), Armed Forces (Middle East), Armed Forces (Pacific), Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan, and Yukon

Alert Images:

Step 1: Find a photo of a suspect's face. } **Step 2: Upload photo to the Clearview app.** } **Step 3: Check search results for a match.**

The image shows three sequential steps in a dark background:

- Step 1:** A photograph of a man in a dark blue t-shirt and khaki pants.
- Step 2:** A screenshot of the Clearview app interface. It features a blue 'New Search' button at the top, a 'History' button with a clock icon, and a 'Saved' button with a bookmark icon. Below these is a blurred image of the man's face.
- Step 3:** A screenshot of the 'Search Results' page. It shows 'Found 48 faces' and a list of results. The first result is a photo of the same man in a white t-shirt, with a green 'POSSIBLE' label at the bottom and a URL starting with 'https://ar.linkedin.com/in/gon...'.

Contribute to CrimeDex

CONTRIBUTE \$

Alert Text

Try out Clearview for free here: <https://link.clearview.ai/CrimeDex>

Getting an ID on an unknown suspect can be tough. But now it can take as little as one second using the cutting edge of facial identification software: Clearview. It's like Google Search for faces. You may have seen Clearview banner here on CrimeDex, but do you know how it works?

The process only takes three simple steps.

Step 1: Find a photo of a suspect's face. (Check out the alert image above.)

A clear, frontal photo works best, but it doesn't have to be perfect. The software can ID a suspect even if he grows a beard, wears glasses, or appears in low light.

Step 2: Upload the photo to the Clearview app.

Using your cell phone or computer, just upload the photo to the app. You can also take a new photo with your camera or screenshot an existing photo. Clearview automatically finds the suspect's face in the photo.

Step 3: Check your search results for a match.

Clearview instantly shows you the best matches from our proprietary database of nearly 2 billion faces collected from carefully vetted, publicly available sources.

Over 120 law enforcement agencies nationwide have used Clearview to break up online child exploitation rings, bust multi-million dollar credit card fraud operations, and solve hundreds of other cases. Clearview has helped solve dozens of cases right here on CrimeDex.

Try it out for yourself right now. Just click the link below to try it out for free with no strings attached.

Link: <https://link.clearview.ai/CrimeDex>

You can also click the Clearview banner at the bottom of this alert to try it out for free.

<<>>

CrimeDex Staff: We don't normally allow vendor advertisements as a alert but we are making a rare exception in this case because of the numerous cases already solved by our staff using this service.

Gator

Contact

Marko Jukic
crimedex@clearview.ai
Clearview AI
Mobile: (703) 939-2929

To download this alert in PDF format, click [here](#)



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From: Alerts@crimedex.com
Sent: Wednesday, October 9, 2019 10:01 AM
To: Alerts@crimedex.com
Subject: Search 3 Billion Photos In 3 Seconds To Solve Crimes Instantly

Alert Number: 331409

Date Published: 10/08/2019

Subject: Search 3 Billion Photos In 3 Seconds To Solve Crimes Instantly

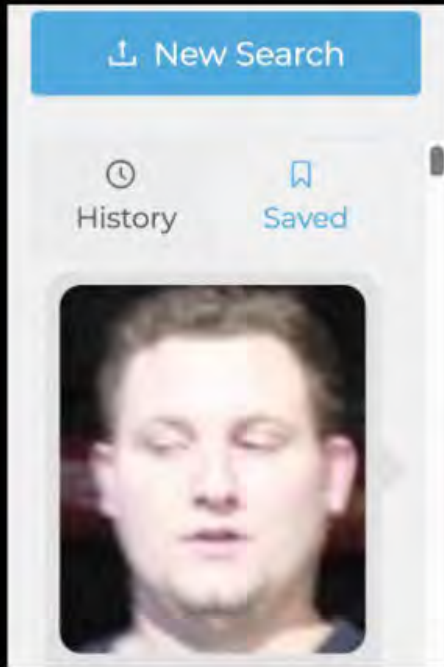
Distribution: Groups: NCORCA, IAFCI, CFCIA, BOL CrimeDex, and FraudFinder, States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Federated States of Micronesia, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Marshall Islands, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, Puerto Rico, Rhode Island, Samoa, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming

Alert Images:

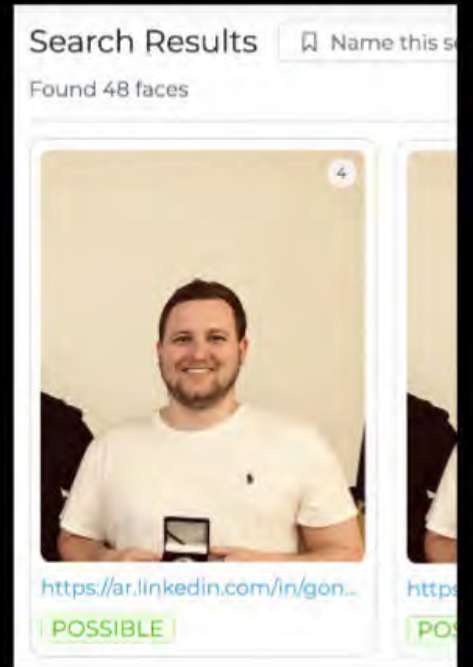
Step 1: Find a photo of a suspect's face.



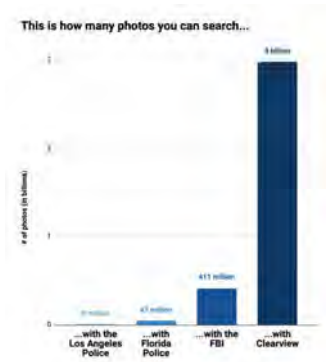
Step 2: Upload photo to the Clearview app.



Step 3: Check search results for a match.



Additional Images:



Contribute to CrimeDex

CONTRIBUTE \$

Alert Text

Try out Clearview for free here: <https://link.clearview.ai/FreeTrial-cd3>

You may have seen Clearview's banner here on CrimeDex, but do you know how we get you so many life-saving results so fast? The secret sauce is in the data:

Our proprietary database has nearly 3 billion facial images. Each time you upload a photo to Clearview on your phone or computer, our software searches all 3 billion of those images in less than 5 seconds.

Then, it instantly shows you the most accurate matches with names, links, and metadata so you can investigate the new leads. (See attached image #1)

Where do our images come from? 100% of our database is sourced from publicly available, open sources on the web. We're talking literally thousands and thousands of sources, including:

- Mug shot/booking photo databases from all over the country
- Social media sites worldwide
- Work and company profiles
- Local, national, and international news articles
- And much, much more!

It gets better: our database is also rapidly expanding 24/7. Every day, we add 40-50 million new images for you to search with Clearview. If you didn't get a match with Clearview yesterday, you might tomorrow. With our automated alerts system, you won't even need to redo your searches manually.

Nobody else has this unique collection of data (See attached image #2). The only way to search it is with Clearview and we've made it possible to search it instantly an unlimited number of times.

And the best part? Clearview is available to all law enforcement officers to trial for free with no strings attached. Try it out for yourself right now on desktop or mobile. Just click the link below:

Link: <https://link.clearview.ai/FreeTrial-cd3>

Over 400 law enforcement agencies nationwide have used Clearview to break up online child exploitation rings, bust multi-million dollar credit card fraud operations, and solve hundreds of other cases, including right here on CrimeDex.

You can also click the Clearview banner at the bottom of this alert to try it out for free.

Got questions? Shoot us an e-mail at help@clearview.ai

<<>>

CrimeDex Staff: We don't normally allow vendor advertisements as an alert but we are making a rare exception in this case because of the numerous cases already solved by our staff using this service. - Gator

Contact

Marko Jukic
mmj@clearview.ai
Clearview AI
Mobile: (703) 939-2929

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From: Alerts@crimedex.com
Sent: Wednesday, November 13, 2019 10:07 AM
To: Alerts@crimedex.com
Subject: How A Terrorism Suspect Was Instantly Identified with Clearview

Alert Number: 332221


Date Published: 11/13/2019

Subject: How A Terrorism Suspect Was Instantly Identified with Clearview

Distribution: Groups: Clearview AI, NCORCA, IAFCI, CFCIA, BOL CrimeDex, and FraudFinder, States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Federated States of Micronesia, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Marshall Islands, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, Puerto Rico, Rhode Island, Samoa, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Armed Forces (Africa), Armed Forces (Americas except Canada), Armed Forces (Canada), Armed Forces (Europe), Armed Forces (Middle East), and Armed Forces (Pacific), Countries: Canada, Australia, and United Kingdom

Alert Images:

1. Original still from surveillance footage. ➤ 2. Preliminary Clearview result. ➤ 3. Clearview match from local news site.



Man charged after sending <http://www.wsaz.com/content...>

Contribute to CrimeDex [CONTRIBUTE \\$](#)

Alert Text

Try out Clearview for free here: <https://link.clearview.ai/FreeTrial-cd4>

Every second counts when the unthinkable happens. You may have seen Clearview's banner here on CrimeDex, but have you seen it in action? Here's a short case study of how Clearview identified an unknown suspect in a bomb scare in just seconds:

1. The suspect was captured on camera at the location of the crime. A still with his face visible was distributed for identification.
2. The still was searched with Clearview and it returned a similar result from an online profile in less than 5 seconds. This similar result was then itself searched with Clearview.
3. The similar result returned a match in seconds from a local news site out-of-state reporting on a crime committed by a man with the same name as the similar result.

Both local news and law enforcement eventually identified the suspect as the same man from both Clearview results. That man is now facing three felony charges of placing a false bomb.

And the best part? Clearview is available to all law enforcement officers to trial for free with no strings attached. Try it out for yourself right now on desktop or mobile. Just click the link below:

Link: <https://link.clearview.ai/FreeTrial-cd4>

Over 500 law enforcement agencies nationwide have used Clearview to break up online child exploitation rings, bust multi-million dollar credit card fraud operations, and solve hundreds of other cases, including right here on CrimeDex.

You can also click the Clearview banner at the bottom of this alert to try it out for free.

Got questions? Shoot us an e-mail at help@clearview.ai

Want to schedule a free webinar to learn more? Shoot us an e-mail at help@clearview.ai

<<>>

CrimeDex Staff: We don't normally allow vendor advertisements as an alert but we are making a rare exception in this case because of the numerous cases already solved by our staff using this service. - Gator

Contact

Marko Jukic
crimedex@clearview.ai
Clearview AI
Mobile: (703) 939-2929

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Exhibit 2

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

AMERICAN CIVIL LIBERTIES UNION, *et al.*,

Plaintiffs,

v.

CLEARVIEW AI, INC., a Delaware corporation,

Defendant.

No. 2020 CH 04353

Hon. Pamela Meyerson

DECLARATION OF NATHAN FREED WESSLER


Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true:

1. I am a Senior Staff Attorney with the American Civil Liberties Union Foundation, and am counsel for Plaintiffs American Civil Liberties Union, Chicago Alliance Against Sexual Exploitation, Sex Workers Outreach Project Chicago, Illinois State Public Interest Research Group, Inc., and Mujeres Latinas en Acción in the above-captioned case. I am over the age of eighteen, and if called upon to testify to the matters stated herein, I could and would competently do so.
2. Attached to this declaration as Exhibits A through D are true and correct copies of the following records.

3. Exhibit A is: Ryan Mac, Caroline Haskins & Logan McDonald, *Clearview's Facial Recognition App Has Been Used by the Justice Department, ICE, Macy's, Walmart, and the NBA*, BuzzFeed News (Feb. 27, 2020), <https://www.buzzfeednews.com/article/ryanmac/clearview-ai-fbi-ice-global-law-enforcement>.
4. Exhibit B is: Tom Schuba, *CPD Using Controversial Facial Recognition Program that Scans Billions of Photos from Facebook, Other Sites*, Chi. Sun Times (Jan. 29, 2020), <https://chicago.suntimes.com/crime/2020/1/29/21080729/clearview-ai-facial-recognition-chicago-police-cpd>.
5. Exhibit C is email communications between the Illinois Secretary of State's office and Clearview AI, as well as a price quote from Clearview to the Secretary of State's office. The communications span September through December, 2019. These records were filed on May 6, 2020, as Exhibit 2 to Plaintiff's Response to Clearview Defendant's Motion to Stay in *Mutnick v. Clearview AI, Inc.*, No. 20-cv-512 (N.D. Ill.), ECF No. 57-2.
6. Exhibit D is: David Griffith, *Police Technology eXchange Brings Together Police Buyers and Technology Suppliers for Networking and One-on-One Meetings*, POLICE Mag. (Jan. 6, 2020), <https://www.policemag.com/537108/police-technology-exchange-brings-together-police-buyers-and-technology-supplier>.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 30, 2020.

Brooklyn, New York
October 30, 2020



Nathan Freed Wessler

Exhibit A

TECH

Clearview's Facial Recognition App Has Been Used By The Justice Department, ICE, Macy's, Walmart, And The NBA

A BuzzFeed News review of Clearview AI documents has revealed the company is working with more than 2,200 law enforcement agencies, companies, and individuals around the world.



Ryan Mac
BuzzFeed News Reporter



Caroline Haskins
BuzzFeed News Reporter



Logan McDonald
BuzzFeed Staff

Last updated on February 27, 2020, at 11:37 p.m. ET

Posted on February 27, 2020, at 3:43 p.m. ET





Rob Dobi for BuzzFeed News

The United States' main immigration enforcement agency, the Department of Justice, retailers including Best Buy and Macy's, and a sovereign wealth fund in the United Arab Emirates are among the thousands of government entities and private businesses around the world listed as clients of the controversial facial recognition startup with a database of billions of photos scraped from social media and the web.

The startup, Clearview AI, is facing legal threats from Facebook, Google, and Twitter, as well as calls for regulation and scrutiny in the US. But new documents reviewed by BuzzFeed News reveal that it has already shared or sold its technology to thousands of organizations around the world.

In its quest to create a global biometric identification system to span

both public and private sectors, Clearview has signed paid contracts with US Immigration and Customs Enforcement (ICE), the US Attorney's Office for the Southern District of New York, and Macy's, according to the document obtained by BuzzFeed News. The company has credentialed users at the FBI, Customs and Border Protection (CBP), Interpol, and hundreds of local police departments. In doing so, Clearview has taken a flood-the-zone approach to seeking out new clients, providing access not just to organizations, but to individuals within those organizations — sometimes with little or no oversight or awareness from their own management.

Clearview's software, which claims to match photos of persons of interest to online images culled from millions of sites, has been used by people in more than 2,200 law enforcement departments, government agencies, and companies across 27 countries, according to the documents. This data provides the most complete picture to date of who has used the controversial technology and reveals what some observers have previously feared: Clearview AI's facial recognition has been deployed at every level of American society and is making its way around the world.

The New York-based startup has claimed its controversial technology is intended as a tool for police and that it was prioritizing business in North America. "It's strictly for law enforcement," Clearview CEO Hoan Ton-That said on Fox Business earlier this month. He noted in a Feb. 5 statement to BuzzFeed News that his company was "focused on doing business in USA and Canada." But in reality, Clearview AI has also been aggressively pursuing clients in industries such as law, retail, banking, and gaming and pushing into international markets in Europe, South America, Asia Pacific, and the Middle East.

Got a tip? Email one of the reporters of this story at Caroline.Haskins@buzzfeed.com or Ryan.Mac@buzzfeed.com, or contact us [here](#).

In reply to an extensive list of questions, Clearview attorney Tor Ekeland said, "There are numerous inaccuracies in this illegally obtained information. As there is an ongoing Federal investigation, we have no further comment."

Clearview has attracted a whirlwind of attention for claiming it had built unprecedented facial recognition trained on an ever-increasing database of more than 3 billion photos ripped from Facebook, Instagram, YouTube, and other websites. In a January interview with the New York Times, Ton-That said the company was working with 600 law enforcement agencies across the country and had provided the software, which can be used on a desktop computer or through a mobile app, to the FBI and Department of Homeland Security.



Clearview AI CEO Hoan Ton-That in New York, Jan. 10, 2019.

AMR ALFIKY / The New York Times / Redux

The internal documents, which were uncovered by a source who declined to be named for fear of retribution from the company or the government agencies named in them, detail just how far Clearview has been able to distribute its technology, providing it to people

everywhere, from college security departments to attorneys general offices, and in countries from Australia to Saudi Arabia. BuzzFeed News authenticated the logs, which list about 2,900 institutions and include details such as the number of log-ins, the number of searches, and the date of the last search. Some organizations did not have log-ins or did not run searches, according to the documents, and BuzzFeed News is only disclosing the entities that have established at least one account and performed at least one search.

Even with that criteria, the numbers are staggering and illustrate how Clearview AI, a small startup founded three years ago, has been able to get its software to employees at some of the world's most powerful organizations. According to documents reviewed by BuzzFeed News, people associated with 2,228 law enforcement agencies, companies, and institutions have created accounts and collectively performed nearly 500,000 searches — all of them tracked and logged by the company.

While some of these entities have formal contracts with Clearview, many do not. A majority of Clearview's clients are using the tool via free trials, most of which last 30 days. In some cases, when BuzzFeed News reached out to organizations from the documents, officials at a number of those places initially had no idea their employees were using the software or denied ever trying the facial recognition tool. Some of those people later admitted that Clearview accounts did exist within their organizations after follow-up questions from BuzzFeed News led them to query their workers.

“This is completely crazy,” Clare Garvie, a senior associate at the Center on Privacy and Technology at Georgetown Law School, told BuzzFeed News. “Here’s why it’s concerning to me: There is no clear line between who is permitted access to this incredibly powerful and incredibly risky tool and who doesn’t have access. There is not a clear line between law enforcement and non-law enforcement.”

“This is completely crazy.... There is not a clear line between law enforcement and non-law enforcement.”

There are currently no federal laws regulating the use of facial recognition, though several elected officials have proposed bills. States including Illinois have developed regulations on the corporate use of biometric data, and some cities have outright banned the technology. In that regulatory vacuum, Clearview has thrived, doling out free trials seemingly at will and encouraging law enforcement officers and officials to invite their colleagues and perform as many searches as possible.

On Wednesday, Clearview AI told the Daily Beast that an intruder had “gained unauthorized access to its list” of customers. “Unfortunately, data breaches are part of life in the 21st century. Our servers were never accessed,” Ekeland told the Daily Beast. “We patched the flaw, and continue to work to strengthen our security.”

The explanation did not sit well with some lawmakers, including Oregon Sen. Ron Wyden.

“Shrugging and saying data breaches happen is cold comfort for Americans who could have their information spilled out to hackers without their consent or knowledge,” he told BuzzFeed News.

“Companies that scoop up and market vast troves of information, including facial recognition products, should be held accountable if they don’t keep that information safe.”

Clearview CEO Ton-That has been coy about his company’s relationship with the federal government, but documents reviewed by BuzzFeed News suggest his startup has deeply penetrated multiple departments and agencies there. Among them is the Department of Homeland Security, where employees at CBP, the country’s main

border security organization, are listed in the documents as having registered nearly 280 accounts. In total, those accounts have run almost 7,500 searches, the most of any federal agency that did not have some type of paid relationship.

A spokesperson for CBP said Clearview was not used for the agency's biometric entry-exit programs and declined further comment.

Agents at ICE have also used Clearview, according to company documents, running more than 8,000 searches from about 60 different accounts associated with a Homeland Security Investigations field office in El Paso, Texas, an ICE office in Cherry Hill, New Jersey, and a Border Enforcement Security Task Force at New York's John F. Kennedy Airport. The documents also indicate employees of ICE's Enforcement and Removal Operations, the body responsible for the arrest and deportation of those in the country without authorization, have tried Clearview.

A spokesperson for ICE told BuzzFeed News that HSI began a paid pilot program in June 2019 through its Child Exploitation Investigations Unit and noted that a formal contract has not yet been signed.

"ICE's use of facial recognition technology is primarily used by Homeland Security Investigations (HSI) special agents investigating child exploitation and other cybercrime cases," the spokesperson said. "ICE Enforcement and Removal Operations (ERO) officers have also occasionally used the technology, as task force officers with HSI and the Department of Justice, and through training, on human trafficking investigations."

Jacinta González, a senior campaign director at Mijente, a Latinx advocacy group, told BuzzFeed News that ICE's use of Clearview in the absence of a regulatory framework is troubling. "This tool goes way beyond anything that is legal, and there is literally no accountability for how they're going to use this tool," she said. "They could walk into a

supermarket, scan people, see if it matches up, and deport them immediately.”

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The documents also show that employees at 10 fusion centers, intelligence intake facilities that are recognized by DHS, are deploying Clearview across the country and in the US Virgin Islands. One of those fusion centers in Louisiana was listed as a paying customer.

“They could walk into a supermarket, scan people, see if it matches up, and deport them immediately.”

Clearview has also been used inside the Department of Justice, where the list of government organizations trialing the company’s facial recognition software includes multiple offices at the US Secret Service (some 5,600 searches); the Drug Enforcement Administration (about 2,000 searches); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (more than 2,100 searches); and the FBI (5,700 searches across at least 20 different field offices). Spokespeople for all these agencies either declined comment or did not respond to a request for comment.

Two DOJ organizations — the criminal intelligence branch of the US Marshals and the US Attorney’s Office in the Southern District of New York — are paying to use Clearview. A spokesperson for the US Marshals said the organization “cannot confirm the use of any specific, sensitive equipment and techniques that may be deployed by law enforcement,” while the US Attorney’s Office did not respond to multiple requests for comment.

“Government agents should not be running our faces against a shadily assembled database of billions of our photos in secret and with no

safeguards against abuse,” Nathan Freed Wessler, a staff attorney with the ACLU, said to BuzzFeed News. “More fundamentally, that so many law and immigration enforcement agencies were hoodwinked into using this error-prone and privacy-invading technology peddled by a company that can't even keep its client list secure further demonstrates why lawmakers must halt use of face recognition technology, as communities nationwide are demanding.”

Clearview’s technology may have even made it to the White House. Documents reviewed by BuzzFeed News include an entry for “White House Tech Office” with a single user, who logged in back in September 2019 to perform six searches.

The White House did not confirm or deny if that was the case. “If a current or former staff member attempted to access more information about this product, it was not an official inquiry and was not sanctioned by the White House,” a senior White House official told BuzzFeed News.

Beyond the federal government, Clearview AI’s free trials have inspired facial recognition usage in hundreds of regional, state, county, and local law enforcement agencies. The Miami Police Department, for example, has run over 3,000 Clearview searches, according to the documents. The San Mateo County Sheriff’s Office has run about 2,000 searches, as has the Philadelphia Police Department. The Indiana State Police, identified in the startup’s documents as a paying agency, has run more than 5,700 scans.

The New York State Police, which has several users who have run dozens of searches, said Clearview is one of many tools used by the agency. The agency paid \$15,000 for Clearview licenses, according to federal spending database GovSpend.

“The Clearview AI facial recognition software is used to generate

potential leads in criminal investigations as well as homeland security cases involving a clearly identified public safety issue,” a New York State Police representative said to BuzzFeed News.

The bulk of Clearview’s paying customers are local and state police departments. The Atlanta Police Department, paid \$6,000 for three licenses last year, according to documents obtained by BuzzFeed News. Officers in Wyomissing, Pennsylvania, paid \$1,000 for a license, according to federal spending database GovSpend.

Clearview AI can be a powerful tool for local police. A representative for the Chicago Police Department — which paid \$49,875 for two-year Clearview log-ins for 30 people — told BuzzFeed News that it is one of two types of facial recognition software the department uses. The first, DataWorks, uses an internal library of mugshots taken in and around the Chicago area. Clearview, meanwhile, employs more than 3 billion pictures from social media and “millions of websites,” according to its CEO, creating a dragnet that could encompass the world. Users with Chicago police, whose contract with Clearview runs through 2021, have collectively run over 1,500 searches.

“If there’s no match [on DataWorks], we try Clearview,” a Chicago police representative said. “DataWorks is a closed system, so it only looks at photos we have. But Clearview uses open source media.”

Jason Ercole, a captain with the Senoia Police Department, which is about 40 miles south of Atlanta, said he started with a free trial of Clearview before converting to a paid license and has since made one positive identification of a suspect who was allegedly cashing fake checks. He said he did not have to go through any training to obtain or use the software and noted he never uses a Clearview match as the sole basis for obtaining a warrant for arrest.

“It’s just like you giving a weapon to a police officer,” Ercole said. “You would hope that he uses it properly and doesn’t use it improperly and

remembers his training. It's a good tool if used appropriately and with caution."

"It's just like you giving a weapon to a police officer. You would hope that he uses it properly."

Clearview's propensity to hand out free trials to officers using police department or government email addresses has sometimes created situations in which law enforcement agencies appear to have no idea the tool is being used by their employees. While the nation's largest police department, the NYPD, previously denied it had any formal relationship with Clearview, the document shows that officers there have run more than 11,000 searches, the most of any entity on the document. More than 30 officers have Clearview accounts, according to the logs.

An NYPD spokesperson told BuzzFeed News that while it does not have any contract or agreement with Clearview, its "established practices did not authorize the use of services such as Clearview AI nor did they specifically prohibit it."

"Technology developments are happening rapidly and law enforcement works to keep up with this technology in real time," the spokesperson said in a statement. "We are in the process of updating the NYPD's policy on Facial Recognition practices to address emerging issues."

Garvie said that these rogue uses of facial recognition are very concerning and that the public has no way of knowing whether all the searches served a law enforcement purpose.

"Not only are these officers operating completely outside of the established outside procedures set up by the NYPD to run these face

recognition searches, but they're vastly expanding the types of cases to which face recognition is actually being applied," Garvie said.

Even when a police department decides Clearview is not the right fit, it can be hard to prevent officers from using it. The Raleigh Police Department in North Carolina was a paying client but later discontinued its relationship with the startup and put a moratorium on its use of the app after it was unable to get the company to fully comply with an audit.

Despite the severing of that relationship, Raleigh police officers continued to use Clearview beyond the ban on Feb. 11 and signed up with free trials, according to a department spokesperson.

Clearview isn't only targeting police departments at the state level. Multiple state government agencies are working with the company, according to its logs, including the Illinois secretary of state. Behind the NYPD, it's run the most searches of any entity on the list, clocking nearly 9,000 scans. A representative for the secretary's office did not respond to multiple requests for comment.

Clearview's client list also extends to the American education system, with more than 50 educational institutions across 24 states named in the log. Among them are two high schools.

Those two, Central Montco Technical High School in Pennsylvania and Somerset Berkley Regional High School in Massachusetts, did not respond to a request for comment. Somerset Police Department, which appears on the list with Somerset Berkley Regional, initially denied ever using Clearview or any facial recognition software, but later stated that a detective had received a 30-day free trial. The documents show that each school was only associated with one account. Neither had run more than five searches.

While most universities listed on the documents showed low search counts like the University of Alabama (about 30 searches) or the police at Florida International University (more than 200 searches), the fact that it was being used by officers or officials on campuses at all alarmed activists. In some cases, school officials had no idea it was being used.

“This is exactly why we’ve been calling for administrators to enact a ban,” said Evan Greer, deputy director of Fight for the Future, a digital rights advocacy group. “So much of this happens in secrecy. A security officer shouldn’t be able to use this to stalk students around campus.”

A spokesperson for New York’s Columbia University, which had one account listed that performed over 30 searches on the list and has similarly committed to not using facial recognition, told BuzzFeed News that “Columbia’s Public Safety has never tested facial recognition technology and there are no plans to use it.” They declined to say why someone associated with the university had tried Clearview.

Southern Methodist University first said that campus police were not using the software, but after multiple follow-ups from BuzzFeed News, a representative admitted that Clearview provided an employee with a test account. “SMU decided not to go forward with it,” an official said, declining to answer further questions about why documents reviewed by BuzzFeed News showed multiple accounts tied to the university.

The University of Minnesota, which had previously committed to not using facial recognition, seemed to have a similar problem after documents showed that employees associated with the campus police department had used Clearview. A university spokesperson told BuzzFeed News that its police department “does not have a contract with Clearview AI.”

“While some individual officers may have been offered trials of the software in the past, use of the program was not and is not part of

regular business operations,” said the spokesperson.

Rob Dobi for BuzzFeed News

More than 200 companies have Clearview accounts, according to the documents, including major stores like Kohl’s and Walmart and banks like Wells Fargo and Bank of America. While some of these entities have formal contracts with Clearview, the majority — as with public sector entities — appear to have only used the facial recognition software on free trials.

Greer said that if people focus conversations about facial recognition only on government or law enforcement uses, they are “missing the bigger picture.”

“The fact that their client list includes all these major corporations

shows that private entities can also use this type of invasive technology in incredibly abusive ways,” she said.

For a company that maintains its tools are for law enforcement, Clearview’s client list includes a startling number of private companies in industries like entertainment (Madison Square Garden and Eventbrite), gaming (Las Vegas Sands and Pechanga Resort Casino), sports (the NBA), fitness (Equinox), and even cryptocurrency (Coinbase).

"While we conducted a limited test as we do with an array of potential vendors, we are not and have never been a client of this company," an NBA spokesperson told BuzzFeed News. A representative for Madison Square Garden told BuzzFeed News after this story's publication that the venue demoed the product last year, but didn't move forward with a trial. Clearview's logs show that two accounts associated with the sports and events venue ran more than 70 searches at the end of 2019.

A spokesperson for Coinbase said the company was testing Clearview because of its "unique needs around security and compliance," but it was not using the service with customer data. "Our security and compliance teams tested Clearview AI to see if the service could meaningfully bolster our efforts to protect employees and offices against physical threats and investigate fraud," they said. "At this time, we have not made any commitments to use Clearview AI."

The logs also show the facial recognition startup is particularly interested in banking and finance, with 46 financial institutions trying the tool.

A Bank of America spokesperson confirmed to BuzzFeed News that it’s not a paying customer, but declined to explain why Clearview’s logs list it as having conducted more than 1,900 searches. “We’re not a client of Clearview,” a Bank of America spokesperson said. “We haven’t been a client, we didn’t stop being a client, and we never were a client.”

Employees at big-box retailers, supermarkets, pharmacy chains, and department stores have also trialed Clearview. Company logs reviewed by BuzzFeed News include Walmart (nearly 300 searches), Best Buy (more than 200 searches), grocer Albertsons (more than 40 searches), and Rite Aid (about 35 searches). Kohl's, which has run more than 2,000 searches across 11 different accounts, and Macy's, a paying customer that has completed more than 6,000, are among the private companies with the most searches.

Employees at mobile carriers like AT&T, Verizon, and T-Mobile also appear in the Clearview documents. None of these companies appear to be paying customers, but their employees are listed as having collectively run hundreds of Clearview searches. AT&T, which searched for some 200 people, confirmed to BuzzFeed News that the company did not pay for the service, but declined further comment.

Clearview's code of conduct states that individual users must be "authorized by their employer" to use the tool, but that seems to be more of a guiding principle than an enforceable rule. Clearview's documents show that at Home Depot, five accounts ran nearly 100 searches.

"We don't use Clearview AI," a Home Depot representative told BuzzFeed News when asked for comment. "Curious why you thought we're a client."

Garvie was alarmed by Clearview's application to retail settings, noting that it could lead to the profiling of customers for shoplifting or theft.

"We don't use Clearview AI. Curious why you thought we're a client."

"That to me is a concerning premise because not only is there a complete absence of transparency into who gets suspected of shoplifting, and whether there's any redress provided to an individual,"

she said.

The documents reviewed by BuzzFeed News also indicate that the company has provided its software to private investigators and security firms. Among them is Gavin de Becker and Associates, a private security agency, which appears as a paid Clearview customer with more than 3,600 searches, and SilverSeal, a New York firm that engages in private investigation and surveillance, according to its website. Neither firm responded to requests for comment.

When BuzzFeed News reported earlier this month that Clearview AI had used marketing materials that suggested it was pursuing a “rapid international expansion,” the company was dismissive, noting that it was focused on the US and Canada.

The company’s client list suggests otherwise. It shows that Clearview AI has expanded to at least 26 countries outside the US, engaging national law enforcement agencies, government bodies, and police forces in Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Ireland, India, Italy, Latvia, Lithuania, Malta, the Netherlands, Norway, Portugal, Serbia, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

The log also has an entry for Interpol, which ran more than 320 searches. Reached for comment, the worldwide policing agency confirmed that “a small number of officers” in its Crimes Against Children unit had used Clearview’s facial recognition app with a 30-day free trial account. That trial has now ended and “there is no formal relationship between Interpol and Clearview,” the Interpol General Secretariat said in a statement.

It’s unclear how Clearview is vetting potential international clients, particularly in countries with records of human rights violations or authoritarian regimes. In an interview with PBS, Ton-That said

Clearview would never sell to countries “adverse to the US,” including China, Iran, and North Korea. Asked by PBS if he would sell to countries where being gay is a crime, he didn’t answer, stating once again that the company’s focus is on the US and Canada.

Clearview, however, has already provided its software to organizations in countries that have laws against LGBTQ individuals, according to its documents. In Saudi Arabia, for example, the documents indicate that Clearview gave access to the Thakaa Center, also known as the AI Center of Advanced Studies, a Riyadh-based research center whose clients include Saudi Arabia’s Ministry of Investment. Thakaa, which did not respond to a request for comment, was given access to the software earlier this month, according to the documents.

In the UAE, which criminalizes homosexuality, the company’s logs show that Clearview has provided its software to two entities, including Mubadala Investment Company, the country’s sovereign wealth fund, which has run more than 100 searches. The facial recognition software has also been used by UAE police, according to the documents, which indicate that it’s specifically used for the Ministry of Interior’s Child Protection Center in Abu Dhabi.

Outside of the US, Clearview’s largest market is Canada, where company logs show access to its app has been given to both public and private entities. There are more than 30 law enforcement agencies in the country with access to the software, including the Royal Canadian Mounted Police, which is listed as a paying customer according to the documents, and the Toronto Police Service, which despite being on free trials have run more than 3,400 searches across about 150 accounts.

Just as in the US, some law enforcement agencies around the world seemed unaware that their officers or employees had signed up and used Clearview. The Australian Federal Police said in a statement that it does not use it but declined to comment on why Clearview’s records

show that employees associated with the organization have run more than 100 searches — some as recently as January 2020. In the UK, London’s Metropolitan Police only told BuzzFeed News that Clearview was not being used in its recently deployed live facial recognition tool but declined to comment on the more than 170 searches noted in Clearview’s logs.

Some responses were more ominous. In India, the only entity that has signed up for the software was the Vadodara City Police in the western state of Gujarat. The startup’s records show that the department signed up last month and had only run a handful of searches. When asked by a BuzzFeed News reporter if police in the city were still using the facial recognition technology, Police Commissioner Anupam Singh Gahlaut responded with a short text and did not respond to further questions.

“We have not started yet.” ●

Hannah Ryan in Sydney, Emily Ashton in the United Kingdom, and Pranav Dixit in Delhi contributed reporting to this story.



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Got a confidential tip? [Submit it here](#).



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Exhibit B



Chicago police officials work in the department's Crime Prevention and Information Center. The center is where some detectives have recently started using Clearview AI, a controversial facial recognition technology. | FBI

CRIME

CPD using controversial facial recognition program that scans billions of photos from Facebook, other sites

Critics say Clearview AI's software is an invasive overreach because it grabs the photos without the consent of those pictured or even the websites that post them.

By Tom Schuba | Jan 29, 2020, 5:30am CST

The Chicago Police Department is using a controversial facial recognition tool that allows investigators to search an image of unknown suspects to see if it matches a database of three billion photos lifted from websites like Facebook, YouTube and Twitter — a technology privacy advocates say is so ripe for abuse that cops should stop using it immediately.

Clearview AI, the Manhattan-based firm that developed the software, has come under fire after the New York Times **published a bombshell report** detailing the privacy concerns its technology has brought to the fore. A lawsuit was filed in federal court in Chicago earlier this month seeking to halt the company's data collection.

"It's frightening," Chicago attorney Scott Drury, who filed the lawsuit, said of CPD's decision to team up with Clearview AI.

But Chicago police spokesman Anthony Guglielmi said facial recognition software like Clearview adds "jet fuel" to the department's ability to identify and locate suspects.

"Our obligation is to find those individuals that hurt other people and bring them to justice," Guglielmi said. "And we want to be able to use every tool available to be able to perform that function, but we want to be able to do so responsibly."

Two-year contract

Chicago police entered into a two-year, \$49,875 contract on Jan. 1 with the Vernon Hills-based tech firm CDW Government to use Clearview's technology, according to a statement issued by the department.

For at least two months before that, select officials at the CPD's Crime Prevention and Information Center used the software on a trial basis after another law enforcement agency recommended the technology, police said.

CPD spokesman Howard Ludwig declined to provide examples of when Clearview has been used so far.

"Any information about ongoing investigations can only come from cases that have been thoroughly adjudicated," said Ludwig. "We haven't had Clearview long enough for any of the cases to have gone through the courts."

"Our obligation is to find those individuals that hurt other people and bring them to justice. And we want to be able

to use every tool available to be able to perform that function.”

Clearview’s index of photos was built with images scraped from millions of websites. Law enforcement officials that license the technology can upload a picture to the Clearview app, which then matches it with other photos from the database and offers links to the sites where the images were posted and other information.

Hoan Ton-That, the creator of the Clearview technology, described the software as “an after-the-fact research tool for law enforcement, not a surveillance system or a consumer application.”

“Our software links to publicly available web pages, not any private data,” Ton-That told the Sun-Times last week.

Thirty CPD officials working at CPIC now have access to the technology, according to police. All have obtained “top applicable national security clearance and have clear privacy guidelines to ensure individual privacy, civil rights, civil liberties and other interests are protected,” police said.

Police said officials with access to Clearview can only use the tool in conjunction with an active criminal investigation, adding that it’s not used for live surveillance or keeping tabs on protesters, for example.



Technology to help solve the hardest crimes

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Hoan Ton-That, the creator of the Clearview technology, described the software as “an after-the-fact research tool for law enforcement, not a surveillance system or a consumer application.”

‘They should stop using it immediately’

But despite the assurances, Karen Sheley, an attorney for the American Civil Liberties Union of Illinois, said it was short-sighted for the city to sign a contract to use the software without any public input.

“It’s an incredible absence of judgment to sign on to this kind of technology when it’s so new and without public vetting,” said Sheley. “We think they should stop using it immediately.”

An official in at least one state has already moved to limit the use of Clearview software, which is reportedly used by hundreds of law enforcement agencies. New Jersey Attorney General Gurbir Grewal told prosecutors that cops should stop using it in his state.

The **lawsuit, which seeks class-action status**, was filed against Clearview last week in the U.S. District Court for the Northern District of Illinois. The suit seeks an injunction that would result in the “disabling and deletion of Clearview’s database,” as well as damages for the plaintiff, David Mutnick, an Illinois resident. The first court date is set for March 23.

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It alleges the firm violated the Illinois Biometric Information Privacy Act, a law that

protects Illinoisans from having biometric information collected without their consent.

“What Defendant Clearview’s technology really offers then is a massive surveillance state with files on almost every citizen, despite the presumption of innocence,” Drury, of the Chicago firm Loevy & Loevy, wrote in the suit. “Indeed, one of Defendant Clearview’s financial backers has conceded that Clearview may be laying the groundwork for a ‘dystopian future.’ Anyone utilizing the technology could determine the identities of people as they walked down the street, attended a political rally or enjoyed time in public with their families.”

The suit notes that Clearview has “sought ways to implant its technology in wearable glasses that private individuals could use,” although Ton-That told the New York Times the company didn’t plan to release it.

The lawsuit also charges Clearview with collecting data without people’s knowledge or consent, searching and collecting images without probable cause and denying people the right to due process by violating the terms of websites — many of which forbid image scraping — where photos in the database were originally posted. (Twitter has called on the company to stop taking photos from its site.)

Ton-That did not respond to a request to comment on the lawsuit.





A slide from a PowerPoint explaining how to use CPD's facial recognition software. | Chicago police

CPD has been using facial recognition for years

CPD's partnership with Clearview is an extension of the city's efforts to use facial recognition technology to fight crime, which date back more than a decade.

In 2009, the city was awarded a \$13.8 million grant from the the U.S. Department of Homeland Security to finance the CTA's "Regional Transit Terrorism and Response System." An application form detailed the department's intention to utilize facial recognition technology. It's unclear if any terror-related arrests were made using the software.

After creating the digital infrastructure to run facial recognition, the CPD used \$1.3 million of grant money in 2013 to contract South Carolina-based DataWorks Plus as part of an overarching deal with Motorola. Since the initial facial recognition contract expired at the end of 2015, the CPD has renewed it on a yearly basis at a total cost of more than \$400,000.

DataWorks didn't respond to a request for comment.

Before adding Clearview to the mix, investigators could use the application to compare photos of suspects against the CPD's database of roughly four million mugshots. Those searching DataWorks can pull photos from roughly 35,000 surveillance cameras across the city, including those maintained by the Chicago Transit Authority, the Chicago Housing Authority, Chicago Public Schools and other city agencies.

Documents show the system CPD purchased also could be used to do real-time

surveillance, something that has raised fears of a Big Brother-like surveillance state that could track and potentially identify people regardless of whether they are involved in criminal activity. The addition of Clearview’s billions of images — which include more than just mugshots — to the CPD’s arsenal has further stoked those concerns.

But officials claim the CPD has never used the real-time application to conduct surveillance.

A dozen searches a day

They have, however, frequently utilized mugshot-matching technology.

From 2013 to November of last year, investigators conducted 28,205 searches, or an average of 12 a day. But in the peak year of use, 2016, the number of queries spiked to more than 17 searches per day.

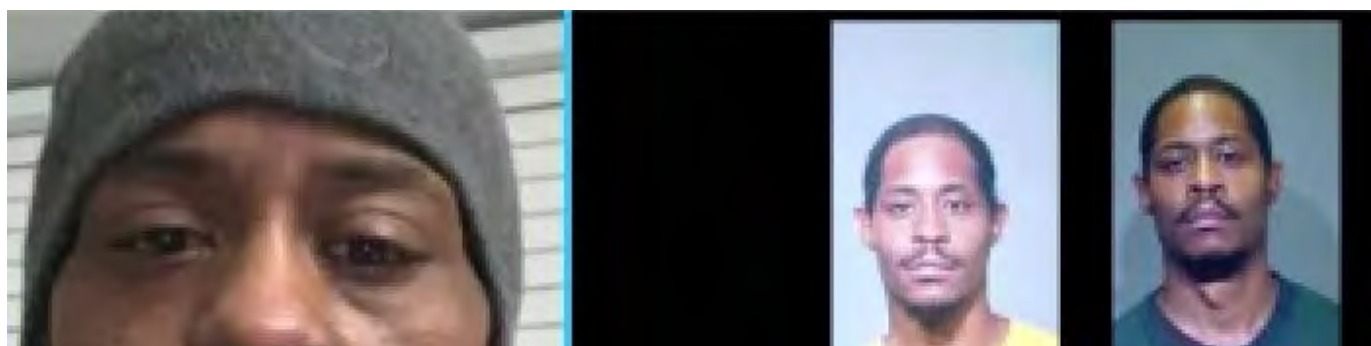
A CPD PowerPoint explaining how to use the software to detectives in 2015 noted the system “can develop leads where there was none but a picture.”

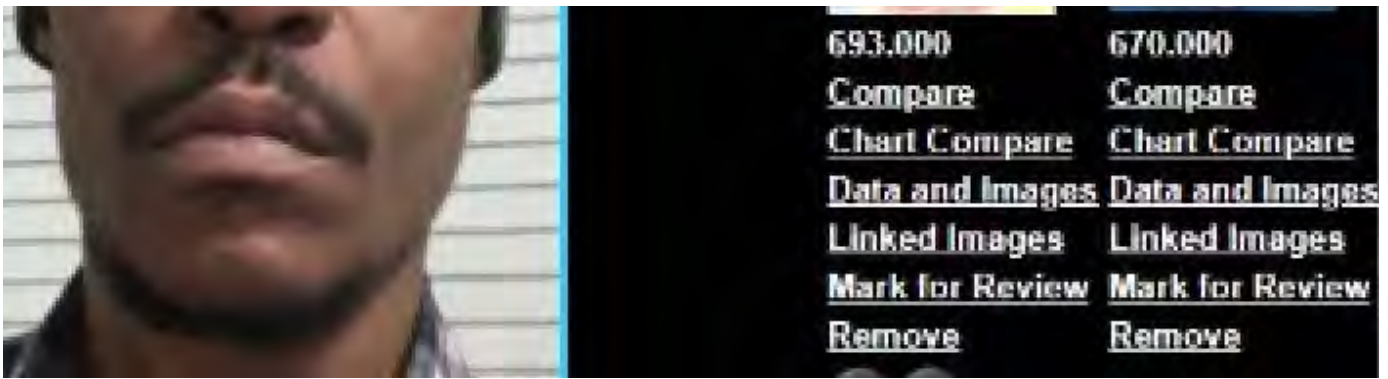
“This is an investigative tool that’s easy and fun to use,” one slide says.

The CPD’s Guglielmi said the data is used to narrow a search for a suspect, not end it.

“What the facial-matching program does is it allows us to get a universe of people that could be the individual accused of a crime,” Guglielmi said. “And then from there, we still get a photo array, we still follow the legal process to identify this person.”

Because the software is used with other investigative tools, police said they couldn’t say how many facial recognition searches led to arrests or convictions.





Lamont Hines | Chicago police

A selfie match

One conviction using the technology originated last February in Edgewater.

After swiping a cellphone and some jewelry from a car, Lamont Hines decided he'd use the spoils for a photo shoot.

Flaunting a stolen charm necklace, Hines snapped a couple selfies with the phone. Unbeknownst to him, the shots were quickly uploaded to the victim's iCloud account. Detectives used facial recognition software to match the shots to Hines' mugshots from previous arrests.

Hines, 42, of South Shore, was then taken into custody and charged with a felony count of theft. He pleaded guilty to the charge in September and was given two years of probation, court records show.

Use of facial recognition software has support of the public, [a poll released by the Pew Research Center](#) in September found. Some 56% of Americans said they trust law enforcement officials to use the technology responsibly.

Mistakes possible

But facial recognition technology can make mistakes, which some fear could lead to false arrests if someone is wrongly matched to a photo of a suspect. [A study released in December by the National Institute of Standards and Technology](#) found many systems misidentified people of color more often than whites. That is of particular concern

with Clearview's much larger database of photos to search.

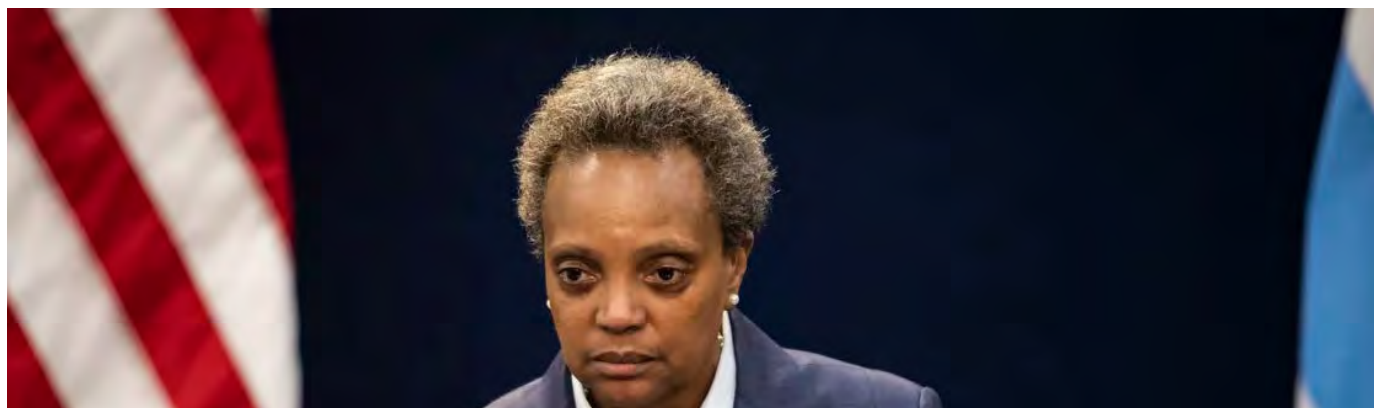
“The idea that every single photo is correctly tagged with the right identity online is just not a realistic viewpoint,” said Clare Garvie, a senior associate at Georgetown Law's Center on Privacy and Technology, who has published studies on the use of facial recognition technology.

“What Defendant Clearview's technology really offers then is a massive surveillance state with files on almost every citizen, despite the presumption of innocence.”

Despite the privacy concerns, the CPD's use of facial recognition technology didn't need approval from the City Council and there have been no public hearings on its use. There's also limited federal oversight over how law enforcement agencies use facial recognition, meaning the CPD and other departments are largely left to police themselves.

That lack of oversight has led Lucy Parsons Labs, a Chicago nonprofit that advocates for police accountability, to call on Mayor Lori Lightfoot to ban all city agencies from using the technology, similar to San Francisco and Oakland.

“We would call for community oversight on all surveillance technologies,” said Freddy Martinez, executive director of Lucy Parsons Labs, which provided the Sun-Times with documents it obtained through Freedom of Information requests that detail the city's use of facial recognition technology.





Mayor Lori Lightfoot | Sun-Times file photo

Candidate Lightfoot called for moratorium

Before she was elected mayor last April, Lightfoot **told the ACLU of Illinois** that she would go as far as to halt the use of the technology while convening a panel to investigate its use.

“During this process I will place a moratorium on the use of facial recognition technology or its expansion absent an emergency situation arising from a legitimate law enforcement need,” she wrote in an ACLU questionnaire.

But since taking office, no review or moratorium has taken place. In fact, with the addition of Clearview to CPD’s facial recognition arsenal, the city’s capabilities have only expanded under her watch.

Asked about the expansion late last week, Lightfoot reiterated her vow to review the city’s use of the technology with the assistance of privacy advocates and community members.

The city aims to advance protections and integrate “national best practices for the use of this technology to ensure nothing but the full protection of personal and constitutional rights for our residents and visitors,” her office said in a statement.

The city “is working responsibly to confront the risks and promises of these tools,”

Lightfoot's office said.

“[W]e take seriously our obligation and duties to ensure the safety of all of our communities while balancing the privacy concerns of our residents that can stem from new and emerging technology.”

Concerns remain

Despite the assurances, Garvie, of the Georgetown Law Center, said the CPD's procurement of real-time software is tantamount to “a police department secretly acquiring a tank and parking it behind their office.”

“Then, when a reporter finds the tank and asks about it, the police response is, ‘Don't worry, we don't use that tank,’” said Garvie.

She said now “the question is, why did they have it in the first place? What is the purpose of that tank, if not to be used?”

CRIME

Homeowner shoots intruder in Albany Park home invasion

CRIME

Crystal Lake woman charged with falsely reporting daughter missing

CRIME

Waukegan police officer fatally shoots teen after car reverses toward cop following traffic stop: police

[View all stories in Crime](#)

Exhibit C

Leonard, Donna

From: Baker, Tina
Sent: Wednesday, November 6, 2019 2:40 PM
To: Joshi, Atul S
Subject: RE: Purchase Request for Clearview licenses

Marko Jukic
Clearview AI
(703) 939-2929
mmj@clearview.ai

From: Joshi, Atul S
Sent: Wednesday, November 6, 2019 1:45 PM
To: Baker, Tina
Subject: RE: Purchase Request for Clearview licenses

Good Afternoon,

I am preparing documents for Clearview do you have name, email and phone# to contact them.

Thank you.



Atul Joshi

Secretary of State Police,
Finance Management Section
110 East Adam St., Springfield, IL - 62701
(217) 557-0907 AJoshi@ilsos.gov

From: Baker, Tina
Sent: Monday, November 04, 2019 4:35 PM
To: Geier, Michael A.
Cc: Piazza, Peter; Joshi, Atul S
Subject: Purchase Request for Clearview licenses

Chief Geier,

Attached is the purchase request for five Clearview licenses that the director told me last week to send to him. I have also included the quote and the sole source document received earlier today. I believe that there are some additional documents that AJ will take care of before this actually hits your desk.

We are very excited to be able to add this application to our facial recognition program.

Thank you,

Tina

Tina Baker

Tina Baker
Illinois Secretary of State Police
Police Inquiry Unit, Supervisor
501 South Second Street, Rm 011
Springfield, Illinois 62756
Phone: (217) 785-0309
Fax: (217) 782-2896
Email: tbaker@ilsos.gov
Secure: tina.baker@leo.gov
Unit Email: sospolicepiu@ilsos.gov
Images: sospoliceimages@ilsos.gov

<http://www.ilsos.gov/ContactFormsWeb/policesurvey.jsp>

Please take the time to let us know that our information was helpful, or how we can better serve you in the future.
Thank you, and have a great day!

Our email addresses have changed from .net to .gov Please update your contact information accordingly.

From: Mark <mark@rockymountainanalytics.com>
Sent: Monday, November 4, 2019 4:01 PM
To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: External: RMDA Quote and Sole Manufacturer Statement

Tina,

Please find the quote and signed sole source/manufacturer statement attached.

Best,

Mark
RMDA

Leonard, Donna

From: Daley, Jamie
Sent: Tuesday, October 29, 2019 1:13 PM
To: Baker, Tina
Cc: Chapman, Kory E.
Subject: FW: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF
Attachments: clearview_ilsos_quote_1_oct_2019.pdf

Tina- I have included Kory Chapman of IT in this response. I have no knowledge and your fiscal officer would complete all procurement. Kory can do an assessment of what you are wanting; he may need additional information and will have to make sure it will function on the system.

From: Baker, Tina
Sent: Tuesday, October 29, 2019 12:43 PM
To: Daley, Jamie
Subject: FW: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF

Jamie,

Can you help me figure out if there is anything like this out there to get an additional quote, or how to write this up as sole source?

I have asked for an updated quote, if you think we need it.

Thanks,

Tina

From: Baker, Tina
Sent: Tuesday, October 1, 2019 12:37 PM
To: Geier, Michael A. <MGeier@ilsos.gov>
Subject: FW: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF

Original pricing sheet had 5 for 10,000. This quote is 5 for 5,000.

From: Marko Jukic [<mailto:mmj@clearview.ai>]
Sent: Tuesday, October 1, 2019 12:35 PM
To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: Re: External: Following up on our call re: Clearview

Tina,

No - the best price I can give you is 5 for 5k, which is a great deal! I have attached a quote to that effect to this email.

Are you free for a call sometime this week? I'd love to catch up on how it's been going since we last spoke and see how much we can help your agency with our galleries feature that is in development.

Best regards,

Marko Jukic
Clearview AI
(703) 939-2929
mmj@clearview.ai

On Mon, Sep 30, 2019 at 11:07 AM Baker, Tina <TBaker@ilsos.gov> wrote:

Mr. Jukic,

Is the pricing sheet that you gave me best price? My boss has asked for a quote for five licenses.

Thank you,

Tina

Tina Baker

Tina Baker

Illinois Secretary of State Police

Police Inquiry Unit, Supervisor

501 South Second Street, Rm 011

Springfield, Illinois 62756

Phone: (217) 785-0309

Fax: (217) 782-2896

Email: tbaker@ilsos.gov

Secure: tina.baker@leo.gov

Unit Email: sospolicepiu@ilsos.gov

Images: sospoliceimages@ilsos.gov

<http://www.ilsos.gov/ContactFormsWeb/policesurvey.jsp>

Please take the time to let us know that our information was helpful, or how we can better serve you in the future. Thank you, and have a great day!

Our email addresses have changed from .net to .gov Please update your contact information accordingly.

From: Marko Jukic [mailto:mjmj@clearview.ai]
Sent: Wednesday, September 25, 2019 11:16 AM
To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: External: Following up on our call re: Clearview

Hi Tina,

Great speaking on the phone a moment ago! It's great to hear you're already having success with Clearview.

Let's get some more of your colleagues using Clearview. Free trial, no strings attached, unlimited searches, etc. - the whole shebang. You can invite them through the app or just give me their names and emails and I'll set them up immediately.

In our experience the more people searching the more successes, which is what we all want!

I've attached our pricing sheet and a briefing sheet with more information just FYI. We are always happy to cut a great deal especially for our smaller departments, so it's not set in stone, but this is basically the price range.

Here are some other key points you can share regarding Clearview:

- Our proprietary database of nearly 3 billion facial images pulls from open sources that no other software is pulling from to our knowledge. Clearview has results nobody else does. We are able to provide signed sole source/sole manufacturer letters.
- Our algorithm has an accuracy rate above 98.6% per third-party testing with Megaface. This is the highest in the world and higher than Google and Chinese companies. We are a U.S. company based in New York and over 350 law enforcement agencies nationwide are already using Clearview, ranging from federal/state agencies to local police departments.
- Clearview searches take just 1-5 seconds to return results on your smartphone (both iPhone and Android) or computer and are unlimited. No waiting for results and no limits on searching.

Just let me know if you need anything else or have any questions.

Best regards,

Marko Jukic

Clearview AI

(703) 939-2929

mmj@clearview.ai

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Clearview AI

15 West 72 St. - Suite 23-S
New York, NY 10023

October 1, 2019

Illinois Secretary of State Police - Police Inquiry Unit
501 South Second St, Rm 011
Springfield, IL 62756

QUOTE

Clearview AI proposes to provide its proprietary technology to the Illinois Secretary of State Police - Police Inquiry Unit as follows:

Product: Clearview AI Technology, Database, and Investigative Toolkit

Quantity: 5 User Accounts

Duration: 12 months

Each User Account Includes:

- Unlimited Use of Clearview's Proprietary Research System
- Unlimited Access to Clearview's Proprietary Database
- iPhone/Android and/or Desktop Versions of Clearview Program Available for Each User
- Help-Desk Support

Fee (All Inclusive - 5 Accounts for 12 months): \$5000

If this proposal meets your approval, please remit payment via **check payable to Clearview AI** and send check to:

Clearview AI
Attn: Richard Schwartz
15 West 72 St. - Suite 23-S
New York, NY 10023

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Leonard, Donna

From: Baker, Tina
Sent: Tuesday, October 29, 2019 12:43 PM
To: Daley, Jamie
Subject: FW: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF
Attachments: clearview_ilsos_quote_1_oct_2019.pdf

Jamie,

Can you help me figure out if there is anything like this out there to get an additional quote, or how to write this up as sole source?

I have asked for an updated quote, if you think we need it.

Thanks,

Tina

From: Baker, Tina
Sent: Tuesday, October 1, 2019 12:37 PM
To: Geier, Michael A.
Subject: FW: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF

Original pricing sheet had 5 for 10,000. This quote is 5 for 5,000.

From: Marko Jukic [<mailto:mmj@clearview.ai>]
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To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: Re: External: Following up on our call re: Clearview

Tina,

No - the best price I can give you is 5 for 5k, which is a great deal! I have attached a quote to that effect to this email.

Are you free for a call sometime this week? I'd love to catch up on how it's been going since we last spoke and see how much we can help your agency with our galleries feature that is in development.

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Marko Jukic
Clearview AI
(703) 939-2929
mmj@clearview.ai

On Mon, Sep 30, 2019 at 11:07 AM Baker, Tina <TBaker@ilsos.gov> wrote:

Mr. Jukic,

Is the pricing sheet that you gave me best price? My boss has asked for a quote for five licenses.

Thank you,

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Tina Baker

Tina Baker

Illinois Secretary of State Police

Police Inquiry Unit, Supervisor

501 South Second Street, Rm 011

Springfield, Illinois 62756

Phone: (217) 785-0309

Fax: (217) 782-2896

Email: tbaker@ilsos.gov

Secure: tina.baker@leo.gov

Unit Email: sospolicepiu@ilsos.gov

Images: sospoliceimages@ilsos.gov

<http://www.ilsos.gov/ContactFormsWeb/policesurvey.jsp>

Please take the time to let us know that our information was helpful, or how we can better serve you in the future. Thank you, and have a great day!

Our email addresses have changed from .net to .gov Please update your contact information accordingly.

From: Marko Jukic [mailto:mmj@clearview.ai]
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October 1, 2019

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Leonard, Donna

From: Daley, Jamie
Sent: Tuesday, October 29, 2019 1:13 PM
To: Baker, Tina
Cc: Chapman, Kory E.
Subject: FW: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF
Attachments: clearview_ilsos_quote_1_oct_2019.pdf

Tina- I have included Kory Chapman of IT in this response. I have no knowledge and your fiscal officer would complete all procurement. Kory can do an assessment of what you are wanting; he may need additional information and will have to make sure it will function on the system.

From: Baker, Tina
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Subject: FW: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF

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October 1, 2019

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501 South Second St, Rm 011
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Leonard, Donna

From: Geier, Michael A.
Sent: Monday, October 7, 2019 11:26 AM
To: Baker, Tina
Cc: Piazza, Peter
Subject: Re: External: Following up on our call re: Clearview price lock

Yes, that answers my question.
Thank you.

Michael A. Geier #347
Chief Deputy Director

Illinois Secretary of State Police
110 E. Adams
Springfield, IL 62701

Office: 217-782-7126
Fax: 217-524-8020
Cell: 217-836-1772
mgeier@ilsos.gov

From: Baker, Tina
Sent: Monday, October 7, 2019 11:23
To: Geier, Michael A.
Subject: FW: External: Following up on our call re: Clearview price lock
This is the response that he gave me the last time you asked about the price increase. Do you want something different?

From: Baker, Tina
Sent: Wednesday, October 2, 2019 5:48 PM
To: Geier, Michael A.
Subject: FW: External: Following up on our call re: Clearview price lock

From: Marko Jukic [mailto:mmj@clearview.ai]
Sent: Tuesday, October 1, 2019 3:28 PM
To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: Re: External: Following up on our call re: Clearview

Tina,
We are happy to discuss locking in prices for longer than 12 months. We are not currently planning to raise prices for anyone especially at such a steep increase - do not worry!
Does that answer your question or would you like to hop on a call?

Best regards,
Marko Jukic
Clearview AI
(703) 939-2929
mmj@clearview.ai

On Tue, Oct 1, 2019 at 2:55 PM Baker, Tina <TBaker@ilsos.gov> wrote:

Is this an introductory discount? Will the price change back to the original price quoted?
From: Marko Jukic [mailto:mmj@clearview.ai]
Sent: Tuesday, October 1, 2019 12:35 PM

To: Baker, Tina <TBaker@ILSOS.GOV>

Subject: Re: External: Following up on our call re: Clearview

Tina,

No - the best price I can give you is 5 for 5k, which is a great deal! I have attached a quote to that effect to this email.

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Marko Jukic

Clearview AI

(703) 939-2929

mmj@clearview.ai

On Mon, Sep 30, 2019 at 11:07 AM Baker, Tina <TBaker@ilsos.gov> wrote:

Mr. Jukic,

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Thank you,

Tina

Tina Baker

Tina Baker

Illinois Secretary of State Police

Police Inquiry Unit, Supervisor

501 South Second Street, Rm 011

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Phone: (217) 785-0309

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From: Marko Jukic [<mailto:mmj@clearview.ai>]

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To: Baker, Tina <TBaker@ILSOS.GOV>

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Leonard, Donna

From: Geier, Michael A.
Sent: Monday, October 7, 2019 11:10 AM
To: Baker, Tina
Cc: Piazza, Peter
Subject: Fw: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF

Can you get something from them that this is a fixed price?
I understand it may raise due to inflation; I'm talking about after the first year will it go up? Is this a promo price?

Michael A. Geier #347
Chief Deputy Director

Illinois Secretary of State Police
110 E. Adams
Springfield, IL 62701

Office: 217-782-7126
Fax: 217-524-8020
Cell: 217-836-1772
mgeier@ilsos.gov

From: Geier, Michael A.
Sent: Tuesday, October 1, 2019 13:51
To: Baker, Tina
Subject: Re: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF
So will it go up to the initial higher price any following years?

Michael A. Geier #347
Chief Deputy Director

Illinois Secretary of State Police
110 E. Adams
Springfield, IL 62701

217-836-1772 (cell)
mgeier@ilsos.gov

On Oct 1, 2019, at 13:50, Baker, Tina wrote:

Yes, it's per year

From: Geier, Michael A.
Sent: Tuesday, October 1, 2019 1:46 PM
To: Baker, Tina
Subject: Re: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF
Is it just for the first year?

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Mr. Jukic,

Is the pricing sheet that you gave me best price? My boss has asked for a quote for five licenses.

Thank you,

Tina

Tina Baker

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Illinois Secretary of State Police

Police Inquiry Unit, Supervisor

501 South Second Street, Rm 011

Springfield, Illinois 62756

Phone: (217) 785-0309

Fax: (217) 782-2896

Email: tbaker@ilsos.gov

Secure: tina.baker@leo.gov

Unit Email: sospolicepiu@ilsos.gov

Images: sospoliceimages@ilsos.gov

<http://www.ilsos.gov/ContactFormsWeb/policesurvey.jsp>

Please take the time to let us know that our information was helpful, or how we can better serve you in the future. Thank you, and have a great day!

Our email addresses have changed from .net to .gov Please update your contact information accordingly.

From: Marko Jukic [mailto:mmj@clearview.ai]
Sent: Wednesday, September 25, 2019 11:16 AM
To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: External: Following up on our call re: Clearview

Hi Tina,

Great speaking on the phone a moment ago! It's great to hear you're already having success with Clearview.

Let's get some more of your colleagues using Clearview. Free trial, no strings attached, unlimited searches, etc. - the whole shebang. You can invite them through the app or just give me their names and emails and I'll set them up immediately.

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Best regards,

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Is it just for the first year?

Michael A. Geier #347
Chief Deputy Director

Illinois Secretary of State Police
110 E. Adams
Springfield, IL 62701

217-836-1772 (cell)
mgeier@ilsos.gov

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Leonard, Donna

From: Baker, Tina
Sent: Monday, October 7, 2019 11:23 AM
To: Geier, Michael A.
Subject: FW: External: Following up on our call re: Clearview price lock

This is the response that he gave me the last time you asked about the price increase. Do you want something different?

From: Baker, Tina
Sent: Wednesday, October 2, 2019 5:48 PM
To: Geier, Michael A.
Subject: FW: External: Following up on our call re: Clearview price lock

From: Marko Jukic [mailto:mmj@clearview.ai]
Sent: Tuesday, October 1, 2019 3:28 PM
To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: Re: External: Following up on our call re: Clearview

Tina,

We are happy to discuss locking in prices for longer than 12 months. We are not currently planning to raise prices for anyone especially at such a steep increase - do not worry!

Does that answer your question or would you like to hop on a call?

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Marko Jukic
Clearview AI
(703) 939-2929
mmj@clearview.ai

On Tue, Oct 1, 2019 at 2:55 PM Baker, Tina <TBaker@ilsos.gov> wrote:

Is this an introductory discount? Will the price change back to the original price quoted?

From: Marko Jukic [mailto:mmj@clearview.ai]
Sent: Tuesday, October 1, 2019 12:35 PM
To: Baker, Tina <TBaker@ILSOS.GOV>
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From: Baker, Tina
Sent: Tuesday, October 1, 2019 1:50 PM
To: Geier, Michael A.
Subject: RE: External: Following up on our call re: Clearview DROPPED THE PRICE IN HALF

Yes, it's per year

From: Geier, Michael A.
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To: Baker, Tina
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Attachments: clearview_ilsos_quote_1_oct_2019.pdf

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Clearview AI
15 West 72 St. - Suite 23-S
New York, NY 10023

October 1, 2019

Illinois Secretary of State Police - Police Inquiry Unit
501 South Second St, Rm 011
Springfield, IL 62756

QUOTE

Clearview AI proposes to provide its proprietary technology to the Illinois Secretary of State Police - Police Inquiry Unit as follows:

Product: Clearview AI Technology, Database, and Investigative Toolkit
Quantity: 5 User Accounts
Duration: 12 months

Each User Account Includes:

- Unlimited Use of Clearview's Proprietary Research System
- Unlimited Access to Clearview's Proprietary Database
- iPhone/Android and/or Desktop Versions of Clearview Program Available for Each User
- Help-Desk Support

Fee (All Inclusive - 5 Accounts for 12 months): \$5000

If this proposal meets your approval, please remit payment via **check payable to Clearview AI** and send check to:

Clearview AI
Attn: Richard Schwartz
15 West 72 St. - Suite 23-S
New York, NY 10023

Please Note: Search results established through Clearview AI and its related systems and technologies are indicative not definitive. Clearview AI, Inc. makes no guarantees as to the accuracy of its search-identification software. Law enforcement professionals **MUST** conduct further research in order to verify identities or other data generated by the Clearview AI system. Clearview AI is neither designed nor intended to be used as a single-source system for establishing the identity of an individual. Furthermore, Clearview AI is neither designed nor intended to be used as evidence in a court of law.

Leonard, Donna

From: Baker, Tina
Sent: Wednesday, November 6, 2019 2:40 PM
To: Joshi, Atul S
Subject: RE: Purchase Request for Clearview licenses

Marko Jukic
Clearview AI
(703) 939-2929
mmj@clearview.ai

From: Joshi, Atul S
Sent: Wednesday, November 6, 2019 1:45 PM
To: Baker, Tina
Subject: RE: Purchase Request for Clearview licenses

Good Afternoon,

I am preparing documents for Clearview do you have name, email and phone# to contact them.

Thank you.



Atul Joshi

Secretary of State Police,
Finance Management Section
110 East Adam St., Springfield, IL - 62701
(217) 557-0907 AJoshi@Ilsos.gov

From: Baker, Tina
Sent: Monday, November 04, 2019 4:35 PM
To: Geier, Michael A.
Cc: Piazza, Peter; Joshi, Atul S
Subject: Purchase Request for Clearview licenses

Chief Geier,

Attached is the purchase request for five Clearview licenses that the director told me last week to send to him. I have also included the quote and the sole source document received earlier today. I believe that there are some additional documents that AJ will take care of before this actually hits your desk.

We are very excited to be able to add this application to our facial recognition program.

Thank you,

Tina

Tina Baker

Tina Baker
Illinois Secretary of State Police
Police Inquiry Unit, Supervisor
501 South Second Street, Rm 011
Springfield, Illinois 62756
Phone: (217) 785-0309
Fax: (217) 782-2896
Email: tbaker@ilsos.gov
Secure: tina.baker@leo.gov
Unit Email: sospolicepiu@ilsos.gov
Images: sospoliceimages@ilsos.gov

<http://www.ilsos.gov/ContactFormsWeb/policesurvey.jsp>

Please take the time to let us know that our information was helpful, or how we can better serve you in the future.
Thank you, and have a great day!

Our email addresses have changed from .net to .gov Please update your contact information accordingly.

From: Mark <mark@rockymountainanalytics.com>
Sent: Monday, November 4, 2019 4:01 PM
To: Baker, Tina <TBaker@ILSOS.GOV>
Subject: External: RMDA Quote and Sole Manufacturer Statement

Tina,

Please find the quote and signed sole source/manufacturer statement attached.

Best,

Mark
RMDA

Leonard, Donna

From: Joshi, Atul S
Sent: Friday, December 6, 2019 10:28 AM
To: 'Mark'
Cc: 'mmj@clearview.ai'
Subject: FW: [WARNING: ATTACHMENT UNSCANNED]Re: External: Re: Regarding W9
Attachments: w-9 rocky.pdf

From: Joshi, Atul S
Sent: Wednesday, December 04, 2019 11:31 AM
To: 'Mark'
Subject: RE: [WARNING: ATTACHMENT UNSCANNED]Re: External: Re: Regarding W9

Good Morning Mark,

W-9 got rejected again at Comptroller's office they want you to use Social Security Numbers. I am attaching herewith copy of W-9 with highlighted portion the reason behind the non-acceptance by them.

I am really sorry for all this inconvenience cause to you. Hope we will get this approved and we will not face same problem next year as it would be in their record.

Thank you and appreciate your help.



Atul Joshi

Secretary of State Police,
Finance Management Section
110 East Adam St., Springfield, IL - 62701
(217) 557-0907 AJoshi@ilsos.gov

From: Mark [<mailto:mark@rockymountainanalytics.com>]
Sent: Monday, December 02, 2019 2:42 PM
To: Joshi, Atul S
Subject: [WARNING: ATTACHMENT UNSCANNED]Re: External: Re: Regarding W9

AJ,

My apologies, I thought we had the format correct. Please see the fixed W-9 in PDF format and assignment letter in compressed PDF format. I believe this is correct now - let me know if not.

The assignment letter is compressed in .zip format because for some reason your email service won't let me send it normally because the file size is too large. You should be able to download the .zip file, unzip it, and get the PDF. Let me know if this does not work technically for some reason, I will see if I can reduce the file size somehow else. Technology these days!

Best regards,

Mark
RMDA

On Mon, Dec 2, 2019 at 1:34 PM Joshi, Atul S <AJoshi@ilsos.gov> wrote:

Hi Mark,

I have processed your invoice today and it came back with query from Budget Department that "The first line should be individual's name and 2nd line should be business name. Also, can vendor provide us a copy of his IRS assignment letter to verify business's EIN. "

Can you please send me a new corrected W-9 and IRS assignment Letter to verify business's EIN.

Thank you,



Atul Joshi

Secretary of State Police,

Finance Management Section

110 East Adam St., Springfield, IL - 62701

(217) 557-0907 AJoshi@ilsos.gov

From: Mark [<mailto:mark@rockymountainanalytics.com>]

Sent: Tuesday, November 26, 2019 3:17 PM

To: Joshi, Atul S

Subject: External: Re: Regarding W9

AJ,

Please see the W-9 attached in PDF form. Thanks for getting in touch! Just let me know if you need anything else.

Best,

Mark

RMDA

On Tue, Nov 26, 2019 at 2:55 PM Joshi, Atul S <AJoshi@ilsos.gov> wrote:

Hi,

I am AJ from Finance Management Section, Secretary of State Police, We receive you invoice against Obligation Number 20PO013002 and to process that we need a copy of W9 Form can you please send me that.

Thank you



Atul Joshi

Secretary of State Police,

Finance Management Section

110 East Adam St., Springfield, IL - 62701

(217) 557-0907 AJoshi@ilsos.gov

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Exhibit D



TECHNOLOGY

Police Technology eXchange Brings Together Police Buyers and Technology Suppliers for Networking and One-on-One Meetings

January 6, 2020 • by David Griffith



Law enforcement agency representatives discuss their technology challenges and possible solutions during PTX roundtable.

Last month law enforcement leaders and technology personnel held one-on-one meetings with representatives from some of the market's leading technology

companies at the first POLICE Technology eXchange (PTX).

Held Dec. 9 through 11 at the Scottsdale Resort at McCormick Ranch in Scottsdale, AZ, PTX 2019 was a hosted buyer event where invited agency personnel ("delegates") met with technology companies ("supplier hosts") about products they are interested in buying.

PTX is not a trade show. It's a much more streamlined and compact event. PTX is "a small gathering by design," says POLICE Publisher Leslie Pfeiffer. "Because PTX is small it gives a diverse yet select group of law enforcement delegates and suppliers the opportunity to build unique relationships that will last long after PTX is over."

In addition to meeting with suppliers about technologies that can help their agencies overcome the challenges presented by contemporary policing, law enforcement agency delegates had an opportunity to network with colleagues at meals and other social gatherings.

During moderated roundtable discussions, the law enforcement professionals discussed such issues as: funding technology acquisitions, body camera concerns, digital evidence management, the implementation of drone programs, how technology can support recruiting and retention of officers, buying public safety software, the role of artificial intelligence in law enforcement technologies, and how technology is helping agencies investigate crime.



Phoenix Police Chief Jeri Williams gives one of the keynote speeches at PTX 2019.

Keynote speakers for PTX 2019 included Rick Smith, CEO of Axon, and Jeri Williams, chief of the Phoenix Police Department. Smith appeared via an Avatar virtual presence system and spoke about technology trends in law enforcement and the overall technology market. Williams discussed how technology is being used to address specific challenges at the Phoenix PD. For example, the agency is working with Axon to link its computer-aided-dispatch system with its body-worn cameras. Williams said the agency plans to issue smartphones to officers, and it is using online training to maximize the hours that officers can stay on the street.



PTX attendees enjoy an evening barbecue.

Delegates at PTX 2019 included personnel from: the Albany (GA) Police Department, the Albuquerque Police Department, the Antioch (CA) Police Department, the Camden County (NJ) Police Department, the Chicago Police Department, the Clark County (WA) Sheriff's Office, the Columbus (OH) Division of Police, the Flagstaff (AZ) Police Department, the Forsyth County (GA) Sheriff's Office, the Garland (TX) Police Department, the Grand Rapids (MI) Police Department, the Greensboro (NC) Police Department, the Henderson (NV) Police Department, the Los Angeles Police Department, the Louisiana State Police, the Louisville Metro Police Department, the Mesa (AZ) Police Department, the Miami Gardens (FL) Police Department, the Rockford (IL) Police Department, the Scottsdale Police Department, the Tucson Police Department, the Vineland (NJ) Police Department, and the Wayne County (MI) Police Department. Supplier hosts who participated in the event included: Acadis Readiness Suite, Aviglion-a Motorola Solutions Company, Clearview AI, Cognitec Systems, LexisNexis Coplogic Solutions, Nuance Dragon Law Enforcement, Orion Filters, TargetSolutions, Tyler Technologies, Versaterm, Vigilant Solutions, and Xtreme Performance Lab. AEE Technology and Innocent Armor participated as demonstration supporting sponsors.

Planning for PTX 2020 plus other POLICE eXchange events is under way. More information will soon be available on [PoliceMag.com](https://www.policemag.com) and in POLICE Magazine.

[View PTX 2019 Photo Gallery](#)

