

To: Chief of Police James E. Craig (Through Channels)

Subject: **FACIAL RECOGNITION POLICY AND THE SHINOLA INCIDENT**

From: Assistant Chief James White, Support Operations

Introduction

[REDACTED]

The below 568 details the circumstances surrounding the incident, the timeline leading up to the arrest, [REDACTED]

Circumstances Surrounding the Incident

- **Policy:** The enacted policy when the warrant was submitted was a Training Directive on Traffic-Light Mounted Cameras. This Policy limited Facial Recognition use to "support of an active or ongoing criminal or homeland security investigation". It had no additional information pertaining to how the request would be processed or that the results were only to be used as an investigative lead, though MSP's hit did detail this information.
- **Crime Intelligence SOP:** Crime Intel SOP was updated on 4/1/2019 to include Facial Recognition. However, the request was already returned to the Detective before the SOP was updated.
- **Information about the Detectives:** Three Detectives were assigned this case. The Detectives and their supervisors are as follows:
 - Detective Gary Przybala was assigned on October 6, 2018.
 - 4 years' experience as a Detective
 - Lieutenant Barbara Kozloff was his supervisor
 - Investigator Lavan Adams was assigned this case on October 8th, 2018, and worked it until he was reassigned to Commercial Auto Theft on May 6th, 2019.
 - 4 years' experience as a Detective
 - Lieutenant Barbara Kozloff was his supervisor
 - ~2 – 3 uses of Facial Recognition with only one arrest which is the incident in question
 - Detective Donald Bussa was assigned the case on May 6, 2019
 - 2 months experience as a Detective
 - Lieutenant Angelique Chadwick-Bills was his supervisor
 - 3 uses of Facial Recognition with only one arrest which is the incident in question

Timeline of the Event

July 9, 2020

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Original Incident & Immediate Follow Up

1. The larceny took place on October 2, 2018 at Shinola located on 441 W. Canfield.
2. DPD was notified on October 5, 2018.
3. The case was assigned to Detective Gary Przbyla on October 6, 2018, and then to Detective Adams on October 6, 2018.
4. On October 9, 2018, Detective Adams indicated he was waiting on video from the reporting officers.

Facial Recognition Request Submitted

5. On March 8, 2019, Detective Adams sent an email to Crime Intel and requested assistance in identifying an individual that was captured in video inside the Shinola Business.
6. Crime Intelligence Unit had no trained examiners on duty that day, and so they sent the Facial Recognition request to Michigan State Police.
7. Michigan State Police fulfilled the request on 3/11/2019 which includes a peer review process according to their SOP.

Additional Detective Work Conducted & Warrant Submitted

8. On June 3, 2019, Detective Bussa went to Shinola and he was informed that they did not want to any employees to appear in court, but would contact him once they get clearance from their corporate store.
9. On June 18, 2019, Detective Bussa set an appointment for a photographic line-up with store manager Scott Rotowski who did not show up.
10. On July 23, 2019, Detective Bussa met with the CEO of Shinola and Director of Mackinac Partner security. They indicated that they will not force their employees to participate in the investigation or come to court, because they would rather take the loss than subject their employees to having to attend court. However, they offered to allow their security person participate.
11. On July 30, 2019, a Photographic line-up was done for Katherine Johnston who appeared at the 3rd Precinct and picked out the defendant Robert Julian-Borchak Williams B/M 41. (Note: Her identification was based on the video she reviewed, she was not present at the time of the theft.)
12. On July 30, 2019, A "Not-in-Custody" warrant request was prepared and submitted by Detective Bussa to the Wayne County Prosecutor's Office for prosecutorial review.
13. On August 25, 2019, the Not-in-Custody warrant request was signed by APA Jane Gillis with a warrant recommendation of Retail Fraud First Degree. The warrant was then signed by a judge/magistrate.
14. August 28, 2019 the warrant was entered into the LEIN.

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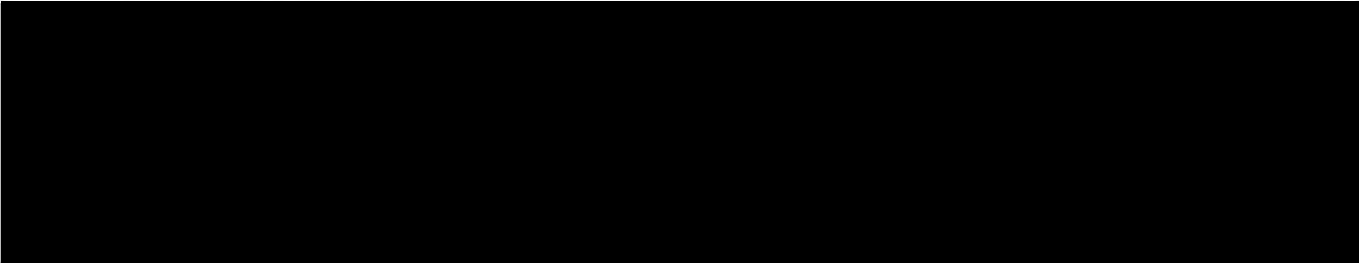
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The Arrest

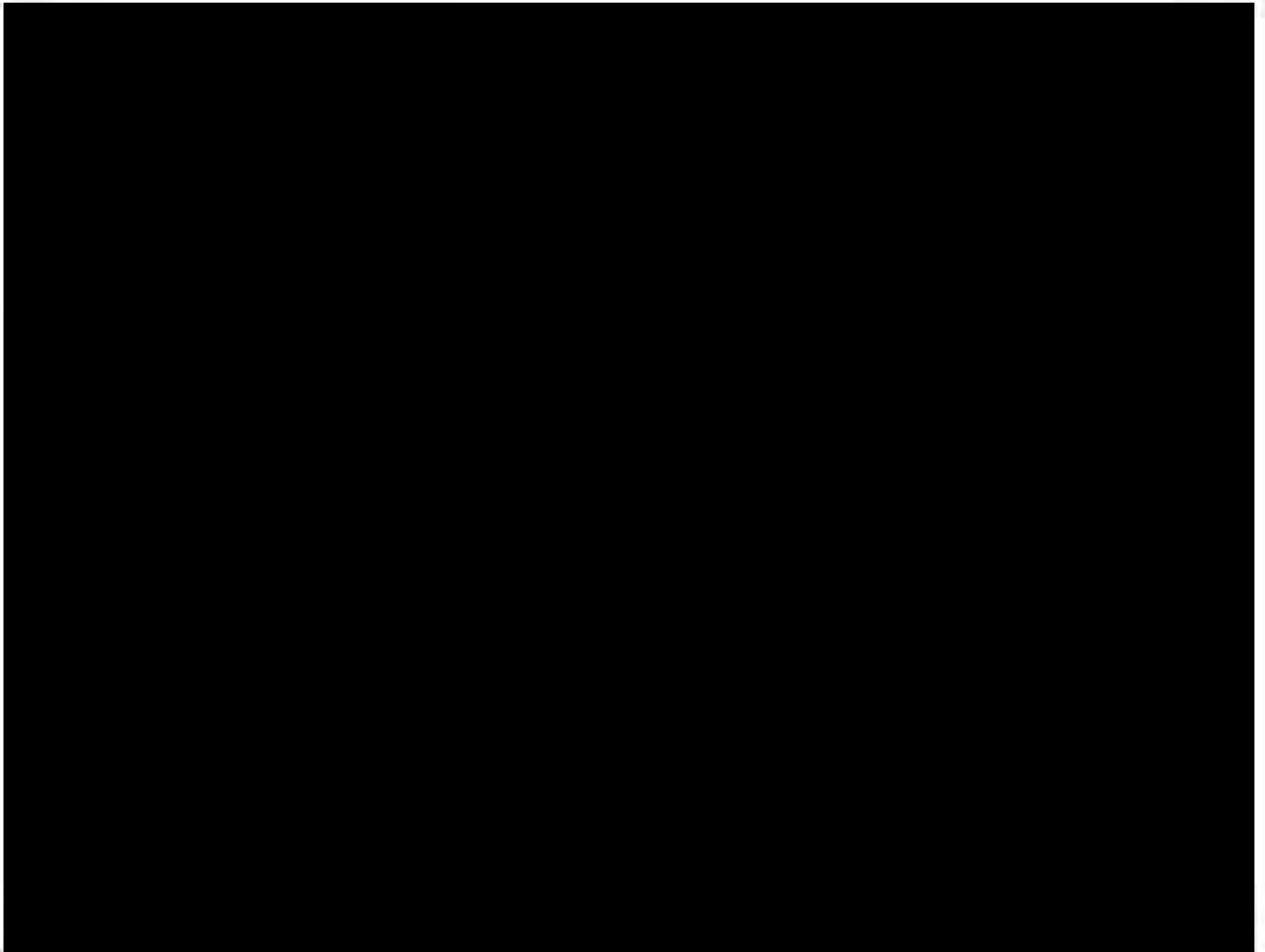
15. On January 9, 2020, Police Officers contacted Mr. Robert Williams and informed him that they had a warrant for his arrest. Mr. Williams thought it was a joke and responded with an obscenity. Mr. Williams told the officers that they would have to come to his house and arrest him.
16. On January 9, 2020, the officers proceeded to Mr. Williams' home located at [REDACTED] Farmington Hills, and arrested him with the Retail Fraud warrant #19059693, and transported him to the Detroit Detention Center.
17. On January 10, 2020, Detectives James Ronan and Officer Benjamin Atkinson proceeded to the Detroit Detention Center for the purpose of interrogating him on separate cases. The detectives presented photos to Mr. Williams who adamantly denied that the person depicted in the photos were him with the exception of driver's license photo that came back as the facial recognition hit. Detective Busa was on leave during the weekend.
18. On January 10, 2020, Mr. Williams was given a \$1000 personal bond.
19. On January 13, 2020 Detective Busa returned to work and viewed the interrogation video. He believed that the person in custody was NOT the person in the Facial Recognition Hit.
20. On January 13, 2020, Detective Busa contacted APA Gillis to inform her that the person in custody was not the person who committed the larceny. When he couldn't reach her initially, Detective Busa sent her an email on January 13, 2020.
21. On January 23, 2020, a court proceeding was held and the case was dismissed without prejudice citing "In the interest of Justice. Per the prosecutor, the live witness who they had been working with did not appear in court as scheduled.
22. On June 24, 2020, I spoke with Detective Benjamin Atkinson via telephone who indicated that upon conducting Mr. Williams' interrogation, he didn't think they had the correct person in custody. Officer Atkinson did not mention this during the interrogation or to any supervisor.

Impact of New Policy & Practices



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Conclusion

While the specific circumstances of this case are not determined, I firmly believe that our current Policy Directive prevents any similar case to occur in the future. In fact, Professional Standards and Constitutional Policing has no other instances of complaints being forwarded to them about the use of Facial Recognition.

JAMES WHITE
Assistant Chief
Office of Support Operations