POLICY REVIEW

FACIAL RECOGNITION TECHNOLOGY
INCIDENT AT SHINOLA

- On October 2, 2018, five watches were reported missing from Shinola in Detroit’s Midtown.

- Shinola reported the theft 3 days later on October 5, 2018. Officers from Wayne State Police took initial report and collected flash drive with video and tally sheet of stolen property. They turned these items over to DPD Third Precinct.

- DPD Inspector Lavan Adams was assigned the investigation on October 6, 2018.
On March 8, 2019, Investigator Adams sent a request to the Crime Intelligence Unit (CIU) requesting assistance in identifying the individual observed on the video.

The CIU forwarded this request to MSP due to DPD having no trained examiners on duty that day.

On March 11, 2019, MSP issued an “investigative lead” identifying Robert Williams following a peer-reviewed examination of the video.
On May 20, 2019, the case was transferred to Detective Donald Bussa due to Investigator Adams being transferred to Commercial Auto Theft.

On June 2, 2019, Detective Bussa met with Shinola representative who stated that the company did not want to insist on their employees to appear in court.

On June 18, 2019, Detective Bussa set an appointment with Shinola store manager to present a six-pack photo array with Mr. Williams in the array. The store manager failed to appear for the meeting.

On July 30, 2019, Detective Posey conducted a photo lineup with a security officer from Shinola who was not present in the store at the time of the robbery, but who had reviewed the security video. This fact was not included by Detective Bussa in the Investigator’s Report submitted to the Wayne County Prosecutor’s Office.

The security officer selected Mr. Williams out of the photo array.
BACKGROUND

WARRANT AND ARREST

▸ Based that information, Detective Bussa prepared a warrant request, identifying Robert Williams as the suspect / defendant.

▸ On August 25, 2019, the Wayne County Prosecutor's Office authorized a warrant to be issued. The warrant was entered into LEIN on August 28, 2019.

▸ On January 9, 2020, two DPD patrol police officers responded to Robert Williams’ house, arrested him on his warrant, and transported him to the DDC.

▸ On January 10, 2020, Detective Bussa was on leave. Consequently, two other Third Precinct detective personnel interrogated Mr. Williams, who denied his involvement in the theft at Shinola. Mr. Williams was given a $10,000 personal bond and released.
On January 13, 2020, Detective Bussa returned to work and watched the interrogation video. He concluded that the person in the interrogation video was not the person involved in the theft at Shinola.

Detective Bussa immediately notified the APA handling the case, both by phone and by e-mail.

WCPO dismissed the case against Mr. Williams “in the interests of justice” at the next court date (January 23, 2020).
DPD’s Policy Review

DPD’s Policy Timeline

- DPD began using facial recognition technology in 2016 using the State’s system. At the time, DPD had no policy directives specific to DPD’s use of the technology.

- DPD’s first Training Directive on facial recognition technology was issued in April 2019, more than a month after Detective Adams’ request.

- DPD’s Facial Recognition Directive, which contained a number of protections, was not issued until September 2019.
POLICY REVIEW FINDINGS

- Had the Department implemented its current policy prior to permitting the use of facial recognition technology, the incident involving Mr. Williams would have been avoided.

- DPD began utilizing facial recognition technology prior to establishing a formal policy governing use of the technology.

- DPD has already taken steps to ensure constitutional policing and proper identifications as new technologies become available for use.

  - Planning now receives a notification for any new contract for any potential policy implications.

Facial Recognition Process

1. Picture Submitted to Crime Intel by detective for any part 1 violent crime
2. Any potential lead is confirmed with a trained examiner and a supervisor
3. CIU sends the investigative lead to the detective
4. Detective further investigates the case
For purposes of this presentation, a policy failure is defined as a situation where an agency’s goals are not facilitated by the agency’s policies or due to lack of policy.

DPD has concluded that had a comprehensive policy been in place at the time of the detective’s request to the CIU for assistance, Mr. Williams’ situation would have been avoided.

At the time Detective Adams submitted his request to the CIU, there was no formal, approved policy in place for use of facial recognition technology by DPD members.
Current Policy would have prevented this incident.

- Facial recognition can only be used on Part 1 Violent Crimes and Home Invasion Is
- Facial Recognition can only be sent to the state with approval by a Crime Intelligence Unit Supervisor
- If a match is found through DPD’s Facial Recognition Process, it shall be considered an investigative lead, and the requesting investigator shall continue to conduct a thorough and comprehensive investigation.
  - Preliminarily, this investigation was not up to Department Standards