

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.



USE OF FACIAL RECOGNITION

- ▶ 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.

 <p>MICHIGAN STATE POLICE</p> <p>INVESTIGATIVE LEAD REPORT</p> <p>LAW ENFORCEMENT SENSITIVE</p> 	
<p>THIS DOCUMENT IS NOT A POSITIVE IDENTIFICATION. IT IS AN INVESTIGATIVE LEAD ONLY AND IS NOT PROBABLE CAUSE TO ARREST. FURTHER INVESTIGATION IS NEEDED TO DEVELOP PROBABLE CAUSE TO ARREST.</p>	
BID DIA Identifier: BID-39641-19	Requester: CA Yager, Rathe
Date Searched: 03/11/2019	Requesting Agency: Detroit Police Department
Digital Image Examiner: Jennifer Coulson	Case Number: 1810050167
	File Class/Crime Type: 3000
Probe Image	Investigative Lead
	
Name: ROBERT JULIAN-BORCHAK WILLIAMS	
	

INVESTIGATION

- ▶ 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.



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.

UD-94 (2-89) AUTHORITY: PA 59 of 1935
Compliance Voluntary

DETROIT POLICE REQUEST FOR WARRANT

181005-0167 <small>Police Offense Number</small>		INVESTIGATOR'S REPORT				<small>Prosecutor Case No.</small>	
<input type="checkbox"/> MORE DEFN.		19-CI-03-250				DATE: 07/30/2019	
CUST	DEFENDANT NAME (Last, First, Middle)	FULL ADDRESS	AGE	SEX	RACE	D.O.B	ST & LOCAL ID
<input type="checkbox"/>	WILLIAMS, ROBERT JULIAN-BORCHAK	28955 GLENARDEN ST, FARMINGTON HILLS, MI 48334					
<input type="checkbox"/>							
<input type="checkbox"/>							
Offense (To be filled in by Prosecutor)							
Place of Offense: RETAIL FRAUD 1					Date: 10/02/2018	Date of Complaint: 10/05/2018	
Complainant's Name (Last, First, Middle) SHINOLA					Time: 17:00	Phone No. 313-285-2390	
Full Address 441 W CANFIELD ST, DETROIT					Age	Sex	Race
Person to Sign (Last, First, Middle)					Reviewing Attorney and Bar No.		
Info and belief							


DETAILS OF INVESTIGATION

CIRCUMSTANCES: On October 02, 2018 an unknown suspect (later ID as Robert Julian- Borchak Williams was in Shinola, located at 441 W. Canfield, in the city of Detroit. Mr. Williams spoke with store associate and walked over to the watch area of the store. After Mr. Williams left the location, store associates when over to the watch area and notice watches were missing.

Video was reviewed by Katherine Johnston of Mackinac Partners, Loss Prevention Company used by Shinola. Ms. Johnston seen the suspect Mr. Williams in the watch area take 5 watches from the displays and then exit the store. Ms. Johnston saved the video and store notified police.


INVESTIGATION: Ms. Katherine Johnston provided a statement from the store and video of the incident. Video and still photo's time and data's are off, due to system date and time not right. Video and stills were sent to Crime Intel for facial recognition. Facial Recognition came back with a hit for suspect Robert Julian-Borchak Williams. A 6-pack photo lineup was done and showed by Det. Posey to Ms. Johnston, who positively ID suspect Robert Williams.

Receipt for items taken was provided by Ms. Johnston, with a total of \$3,800.00.


 Det. Donald Bussa
Officer in Charge

D-608
Badge

3rd PDU
Precinct/Bureau

Reviewed & Approved By:

Supervising Officer

3rd PDU
Precinct/Bureau

WARRANT AND ARREST

- ▶ 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 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.

CRIME INTELLIGENCE UNIT: STANDARD OPERATING PROCEDURES (SOP)

Captain Karl Sloan

Effective Date:
7/1/2018

Revised Date:
8/10/2018



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

POLICY FAILURES

- ▶ 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 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.

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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

