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TRANSCRIPTION OF A VIDEO RECORDED

BRIEFING by DETROIT POLICE CHIEF JAMES WHITE

and ASST. POLICE CHIEF DAVID LEVALLEY

at DETROIT PUBLIC SAFETY HEADQUARTERS

on WEDNESDAY, AUGUST 9, 2023

re: WOODRUFF LAWSUIT and FACIAL RECOGNITION POLICY

Case: Williams v City of Detroit

2:21-cv-10827

1 Detroit, Michigan

2 Wednesday, August 9, 2023.

3 CHIEF WHITE: I'm here to provide a
4 community update regarding a lawsuit filed last
5 week involving facial recognition.

6 This obviously remains a very
7 controversial topic, but my commitment to
8 transparency requires that I address the issues
9 that have come up in this past week head on and
10 that's why we are here today.

11 I have my staff with me that has
12 assisted in a variety of different ways of
13 looking at the circumstances involved in the
14 lawsuit and some of the things that we've
15 concluded.

16 Asst. Chief Levalley will be speaking
17 to some of the police revisions that we're going
18 to talk about and I have Comd. McGinnis who is
19 over our Professional Standards who will be
20 launching an internal investigation.

21 There have been many reports that the
22 individual arrested was because of
23 misidentification and facial recognition and that
24 is factually incorrect. That is not the case.

25 However, what is true is that the

1 arrest emanated from, candidly and unfortunately,
2 a poor investigation. I'll get into that in a
3 moment.

4 The arrest is -- was a result of a
5 violation of our eyewitness identification and
6 lineup policy. The arrest happened after that
7 violation occurred which resulted in a misleading
8 lineup and a misleading photo lineup. Again,
9 we'll get into that in a moment.

10 The policy changes that I'm
11 recommending to the Board of Police Commissioners
12 today that hopefully they will be able to take up
13 very soon will ensure that something like this
14 will never happen again.

15 I'll set out some context for you and
16 explain what exactly occurred. On January 29,
17 2023 an individual picked up an unknown female in
18 the area of East Seven Mile and Hoover. He then
19 drove to the area of Gratiot and Bessemore.
20 After arriving at Gratiot and Bessemore the
21 unknown female exited the vehicle and got into a
22 black Tahoe.

23 A male [sic] subsequently exited that
24 Tahoe and produced a handgun and carjacked the
25 individual. Now, this suspect, the female, had

1 spent some time with the driver of that vehicle
2 and that victim who was carjacked.

3 At this point the suspect who exited
4 the Tahoe, carjacked the vehicle, taken the
5 vehicle and the victim's car phone -- or cell
6 phone. The phone was later tracked down to a BP
7 gas station located at 6420 Van Dyke.

8 An investigator from DPD responded to
9 that location, reviewed the gas station's video
10 and observed the individual who had left the
11 phone.

12 So to further explain that, after the
13 victim was carjacked, the vehicle was taken as
14 well as his phone, he contacted a family member
15 who then proceeded to continuously call his phone
16 to see if they could get someone to answer it,
17 and in fact they did do that. And when they
18 answered it, it was determined that that an
19 employee at that BP gas station.

20 He informed that employee that his
21 brother had been carjacked and at which time --
22 and I just identified who he was -- at which time
23 the brother said, you know, "My brother was a
24 victim of carjacking" and the officer arrived
25 there, pulls the photo, looks at the video and

1 proceeds to do the investigation.

2 An image of the individual identified
3 who dropped the phone or who left the phone
4 there, they used that photo for facial
5 recognition. The photo lineup from the facial
6 recognition was created.

7 The carjacking victim identified the
8 image of the person as Ms. Woodruff as the
9 perpetrator. And, again, just to give you a
10 little more background, the image of this female
11 which dropped the phone was submitted in
12 accordance with our policy with facial
13 recognition because it was one of those violent
14 felonies.

15 The technology yielded an investigative
16 lead, which is exactly what it's supposed to do.

17 In fact, in this instance it produced
18 73 possibilities of who the suspect was. Now,
19 the human interaction from that requires that
20 lead is exhausted. You then go into the
21 investigation, you do a number of things to
22 ensure that the investigative lead is possibly
23 your suspect. It's the launch of the
24 investigative point.

25 It does not appear that that occurred.

1 The lead was turned over to the investigator
2 which should have launched that investigation.
3 That image was peer reviewed which is required by
4 policy, again, supporting the fact that the
5 facial recognition policy was followed.

6 However and unfortunately at that point
7 a photo lineup was presented to the victim, and I
8 know this is complex, but I want to make sure
9 that I hit any key point. A photo lineup was
10 presented to the victim of the carjacking which
11 included Ms. Woodruff.

12 The problem with that is you cannot use
13 a photo lineup inclusive of a facial recognition
14 photo in a lineup, cannot happen. The reason for
15 that is facial recognition is picking up
16 measurements on a face, identifying who this
17 could be, and if you put that into a photo lineup
18 essentially what you are doing is identifying the
19 most likely person who looks like the victim
20 [sic]. That cannot happen. Our policy prohibits
21 that from happening.

22 The victim's act of identifying
23 Ms. Woodruff as the perpetrator served as the
24 basis for the warrant submission. The warrant
25 was subsequently signed and Ms. Woodruff was

1 arrested.

2 It was later learned that Ms. Woodruff
3 was not the perpetrator. Now, the one thing that
4 that we did do correctly in this matter is we
5 acted quickly. The investigator then goes to the
6 DDC, recognizes that our perpetrator is
7 eight-months pregnant, asks for her immediate
8 release because the suspect in this instance was
9 not pregnant, and so that should have been picked
10 up as well.

11 I have no reason to conclude at this
12 time that there has been any violations of the
13 DPD facial recognition policy. However, I have
14 determined that there's been a number of policy
15 violations by the lead investigator in this case.

16 DPD policies clearly state that members
17 are to avoid the use of photos that so closely
18 resemble the suspect that a person familiar with
19 the suspect might find it difficult to
20 distinguish the suspect from other individuals
21 presented in the lineup.

22 And the reason for that is when you --
23 if you use a facial recognition photo -- if you
24 were to put my photo in photo recognition, it's
25 not just going to produce my photo, it's going to

1 produce a number of people who could possibly be
2 me.

3 And if you were to then take that photo
4 and put it into a lineup as I indicated earlier,
5 then it is possible to taint the photo lineup by
6 presenting a person who looks most like the
7 suspect. It's a counterintuitive process. You
8 wouldn't do that, it doesn't make sense and it's
9 improper and it's not going to happen again.

10 In other words, you don't want to put
11 the suspect's twin in a lineup, right, because
12 you would -- if you don't know the person, you're
13 going to pick him out.

14 What gave some validation to the false
15 identification of Ms. Woodruff was the fact that
16 the suspect -- or, I'm sorry, the victim had
17 spent some time with the suspect, so it wasn't
18 like it was a robbery where the person walked up,
19 robbed him, they glanced at him and they left.
20 They were actually in that vehicle a considerable
21 amount of time spending some time together before
22 the carjacking happened.

23 So, you know, one bad act of not doing
24 a thorough investigation, second bad act of
25 showing a photo that was similar to the suspect

1 led the victim in this case to say, "Yep, that's
2 the person" and then of course the prosecutor
3 signs the warrant and we make the arrest.

4 Normally, any identification from a
5 photo lineup is not deemed conclusive by
6 investigators or prosecutors, but the victim or
7 witness normally only gets a brief look as I
8 indicated of the perpetrator during the crime
9 photo ID and should only be treated as a lead.

10 From there investigators follow up to
11 see if there's other evidence incriminating the
12 individual who was identified. We have talked
13 about that ad nauseam. That is our policy.

14 It must be followed each and every
15 time. In this case it was not. This would be no
16 different if we took a mug book, a paper mug book
17 like the old days and took a picture out and went
18 out and said, "Is this the person?" and you said,
19 "Yes" and we arrested him. That would be
20 improper.

21 The same is true here. That is the
22 beginning of the investigation. And in 2023
23 there's enough technology beyond facial
24 recognition to determine if a person was near the
25 crime scene, such as phone dumps. I can

1 determine with phone towers. Everyone has got a
2 phone in their pocket. Were you near there, were
3 you at work. I can check and pull -- or work
4 records to see if you were in fact at work.

5 None of those things occurred. They
6 have to occur in this instance. From there,
7 investigators follow up as I indicated to see if
8 any other incriminating or individuals were
9 identified -- incriminating evidence or other
10 individuals.

11 Something as simple as, if it's a
12 robbery, and the person was not -- is the person
13 associated with the victim, those types of
14 things. The case -- this case was unusual as I
15 indicated because the suspect and the victim had
16 spent some time together.

17 When the victim conclusively identified
18 the suspect from the photo lineup, that was given
19 great weight by the investigators and the
20 prosecutors because of the extensive time that
21 the suspect and the victim had spent together.

22 In this case, one of the photos in the
23 photo lineup had been generated by the facial
24 recognition system. In retrospect it seems clear
25 that while the victim's ID seemed conclusive, the

1 victim had identified what equated to a
2 look-alike and I have looked at those photos
3 myself and very clearly they look alike, they
4 look alike, and that's why the work starts. It
5 doesn't stop, it starts.

6 Photo lineups are IDs that should be
7 treated cautiously in the best of circumstances
8 -- and just to put that in a little further
9 context for you, you know, 27 years of doing this
10 work before facial recognition photo lineups,
11 it's the same thing. Even when -- not saying
12 it's the same as facial recognition. What I'm
13 saying it's the same requirement on the
14 investigation.

15 A mug book, pulling out a person's
16 photo, that's a very powerful tool and you must
17 treat it cautiously.

18 So effective immediately I have issued
19 an order changing the department's photo ID
20 lineup policy so that this cannot happen again.
21 I'm instituting three reforms immediately,
22 immediately and I'm looking forward to the BOPC's
23 review of the policy and approval going forward.

24 First, no member will be allowed to use
25 facial recognition-derived images in a

1 photographic lineup period. You cannot put a
2 facial recognition photo in a photo lineup
3 because it's going to generate at the least a
4 look-alike.

5 Second, all photo lineups will be
6 conducted using a sequential double-blind
7 presentation to the victim. I will try to
8 explain a sequential double-blind presentation
9 without getting too lost in the weeds and police
10 talk.

11 Essentially as we've seen on TV there
12 is a -- six person who line up and those are
13 called live lineups where you look at six people,
14 "Is that the person who harmed you?" No. 3, No.
15 4, No. 5 is that person, whatever number it may
16 be.

17 On a photo lineup what the department
18 policy will change to, instead of putting six
19 people at one time on a piece of paper and
20 showing it to you, what we will do is put six
21 photos in an envelope. We will take the first
22 envelope, hand it to you, you pull the photo out
23 and we will say, "Is that him or her?" It will
24 be yes or no and we will do that six times in six
25 individualized envelopes.

1 The next key important change to our
2 policy will be this. It will be called a --
3 it's called a double-blind draw, meaning that I'm
4 the investigator who knows who the suspect is. I
5 know who the suspect is. So I will not
6 participate in the lineup.

7 However, an uninvolved detective who
8 does not know who the suspect is will take those
9 six photos and they will do the sequential draw
10 and provide it to the victim to identify one of
11 the photos, if in fact that photo is there.

12 And that is just an added layer of
13 insulation so that there is no bias, there is no
14 pre-determined information that you don't know
15 which one of the six photos are the suspect. You
16 then come back to the original investigator and
17 say, "Our victim picked No. 3." The photos will
18 be numbered, the envelopes will be numbered.

19 Now the detective who is aware of who
20 the victim is and who the suspect is opens the
21 envelope and sees that 3 is either the suspect or
22 is not the suspect.

23 I know that that was a bit wordy, but I
24 think it was necessary to explain it. I'm sure
25 questions will come up about that.

1 And then finally prior to conducting a
2 photographic lineup a supervisor is to ensure
3 that there is independent basis for believing
4 that the suspect who is pictured in the photo
5 lineup or in the sequential draw has the means,
6 ability and opportunity to commit the crime.

7 In other words, you're not, you know,
8 eight months pregnant or you're not out of state
9 during the time the crime had been committed.

10 I'm not suggesting that someone who's
11 pregnant can't commit a crime, but in this
12 instance there was no identifiers that indicated
13 that our suspect was in fact eight months
14 pregnant.

15 So that's where we are. I would like
16 to bring Asst. Chief Levalley up just to hit some
17 very high level highlights at this time and we
18 will take any questions. AC Levalley?

19 ASST. CHIEF LEVALLEY: Thank you. So,
20 Asst. Chief David Levalley. I oversee the Office
21 of Professional Development. Part of those
22 duties include policy development, policy
23 updates, civil rights auditing.

24 I can tell you as a result of what is
25 occurring right now we did do a review of all of

1 our facial rec arrests that have occurred in the
2 last year and a half, and in all of those cases
3 except for the case that we're referring to today
4 there was independent evidence outside of the
5 facial rec photograph that led the offices to
6 believe there was enough probable cause for
7 arrest.

8 But one of the things that we're going
9 to put into place is a policy update on our
10 facial recognition policy to strengthen our
11 review or our audits of those arrests. And so
12 what that is is every time an officer or an
13 investigator believes that they have enough
14 information to make an arrest where there was a
15 facial recognition photograph involved or
16 identification involved, before they can make the
17 arrest or before they can submit a warrant to the
18 prosecutor we're putting in place a two-part
19 review, much like the review that we had in place
20 for identifying a photograph through facial
21 recognition, the peer review at that point.

22 We're putting in a supervisory peer
23 review for a request to make an arrest or a
24 request to submit a warrant to the prosecutor.

25 So, like the chief mentioned, the

1 investigators go out, they develop their probable
2 cause independent of the photograph and
3 independent of the name that they received. When
4 they're ready to make the arrest they have to go
5 to their commanding officer, so it will be the
6 captain of either the precinct or the
7 investigative unit that's responsible for
8 conducting the investigation, present their case.

9 That captain would then sign off on the
10 fact that they believe there's enough independent
11 probable cause. Then it's reviewed a second time
12 by the captain that's in charge of our
13 Investigative Operations Division. They sign
14 off, and so once they have those two independent
15 captain-level reviews they can then submit a
16 warrant to the prosecutor.

17 So that's going to be a recommendation
18 that we're making to the Board of Police
19 Commissioners which will strengthen the review
20 before we make an arrest, before we take anybody
21 into custody where there was facial recognition
22 involved in the case.

23 I think that the other policy reviews
24 -- or policy updates the chief already pretty
25 much covered with regard to our photo

1 identifications and how we conduct those lineups
2 or those sequential double-blind draw reviews.
3 So those are going to be two major policy updates
4 that we're going to present to the board which we
5 believe will strengthen the policy in the use of
6 facial recognition to ensure that we don't take
7 anybody into custody that we don't have enough
8 probable cause to believe that they committed the
9 crime.

10 CHIEF WHITE: And before I take any
11 questions, you know, we've got Professional
12 Standards here, we've got our Diversity Equity
13 Inclusion team lead and certainly we have our
14 Civil Rights Integrity Bureau director in this
15 line.

16 We're all looking at this and we take
17 this very seriously and we want to ensure that
18 nothing like this ever happens again,
19 particularly -- you know, it's particularly
20 difficult when you're talking to someone who --
21 or talking about someone who is eight months
22 pregnant, so we empathize with that.

23 We recognize we have to do better and
24 there will be accountability on this mistake.
25 But the misinformation is that this was a, you

1 know, a fraudulent facial recognition discovery.

2 That is just incorrect.

3 What this is is very very poor
4 investigative work that led to a number of
5 inappropriate decisions being made along the
6 lines of the investigation and that's something
7 that this team is committed to not only
8 correcting, having accountability, having
9 transparency with this community and then
10 building policy immediately to ensure regardless
11 of the tool being used this never happens.

12 I don't care if it's the wrong ticket
13 being written, we must do better and we will.

14 So with that I'll take any questions.

15 QUESTIONER: Hi, Chief, Mara MacDonald
16 from DIV. I'm trying to -- from what you've said
17 this isn't in your view a technology problem,
18 it's a human error problem with, you know,
19 operator error.

20 Can you explain so the person who is
21 not an investigator can understand, they put that
22 photo or that video, that still, that photo, in
23 the facial recognition. You said they got
24 something like 73 hits.

25 How did they narrow down those 73 hits

1 to four or five that looked promising and then
2 what should this investigator have done? Should
3 he have not showed those pictures, No. 1, to that
4 victim and should he have -- or she have somehow
5 weeded out -- I guess I don't understand what the
6 extra steps should have been to ensure that you
7 have the right person in the right picture.

8 CHIEF WHITE: So we have -- and yes, I
9 like the way you added three questions to one,
10 very good job.

11 QUESTIONER: I'm by myself today, I
12 figured I could get away with it.

13 CHIEF WHITE: So what happened in this
14 instance, starting with the first part of your
15 question, the 73. So whenever you use -- and
16 because we're talking about facial rec, let's
17 talk about facial rec for one second in regards
18 to what it produces.

19 So any person in this room, if your
20 photo is ran through facial rec and Detroit
21 Police are not the only agency that's using
22 facial rec. As we know, MSP has it, it's all
23 over the state at various agencies, it's in
24 private sector, casinos, it's at airports.

25 What happens is you put a picture in,

1 okay, and it produces a number of people. It
2 doesn't say this is James White, it says this is
3 50 to 70 to 80 opportunities to be James White
4 based on an algorithm and my face, my
5 measurements, my jaw, my eyes, those types of
6 things.

7 It produces those numbers and it says
8 this could be James White, one of 20 pictures,
9 one of 100 pictures. Included in that are people
10 of different gender, different race, so if James
11 White is a black male, which I am, you go in and
12 you say okay, remove all of the females out.

13 Okay, so now from that -- let's say
14 we've got 100 possibilities. You take -- if
15 there's 50 females, you take 50 out. Now there's
16 50 left.

17 And in that you say okay, now of the 50
18 that are left 25 of these people are white and
19 James White is a black male. So you take those
20 25 out.

21 Now you're left with 25. And of the 25
22 what the detectives have to do is say, okay, of
23 these 25 looking at -- you turn them over to an
24 analyst. There's a peer review and you say I
25 think 10 of these people could possibly be James

1 White.

2 The analyst then on a peer review takes
3 it, looks at it and says, "Okay, I feel that five
4 of them could possibly be, but if you think it's
5 10, okay, let's take a look at them."

6 And then what you do is you investigate
7 to see, A, what the crime is and if those 10
8 people had the opportunity to do it, meaning if
9 the 10 -- you have to look at every single one.

10 It happened -- you have to make sure
11 that they're capable, right? Are they in the
12 hospital, are they handicapped? If the person
13 ran away -- I -- I mean it's so many different
14 layers.

15 QUESTIONER: I get it.

16 CHIEF WHITE: Okay and now you arrive
17 at a certain number. After you've scrubbed all
18 of that, let's say that number goes down to five.
19 Now, you then start to investigate those five for
20 opportunity. You do everything you need to do.

21 You see if there's any connection
22 between the victim and the suspect. If it's a
23 violent crime, if it's an assault, if it's a
24 shooting. If the victim told you, "I was arguing
25 with someone at a party", you see if that of

1 those five, who was at the party.

2 What you don't do, and you will not do,
3 is take that photo, plug it into a lineup and
4 then say to the victim, "Is that him?" because if
5 you don't know me, it's measured -- it's going to
6 identify the likely possibility that it is, and
7 that's the part that's improper.

8 So what the detective should have done
9 is not that A and, B, detective work,
10 investigative work to ensure that the suspects
11 that we've identified were there.

12 QUESTIONER: So they went from zero to
13 60?

14 CHIEF WHITE: That's exactly
15 unfortunately the case, but again I think the
16 characterization that "facial recognition
17 produced the wrong identifier" is improper.

18 What is proper is that the investigator
19 did shoddy investigative work.

20 QUESTIONER: Thank you for explaining
21 to the non-investigator. I get it now.

22 QUESTIONER: Hi, Kelly Vaughn, CBS
23 Detroit. I want to make sure I understand this.
24 Was there a policy in place where they were not
25 allowed to use facial recognition photos in photo

1 lineups before or was that just discouraged and
2 now it's an actual policy or what's the exact
3 policy change?

4 CHIEF WHITE: So the exact policy
5 change speaks to a number of things. A, that
6 there's a strict prohibition on using a facial
7 recognition photo in a photo lineup, okay.

8 Was it expressly articulated in policy?
9 There is room for interpretation that we have
10 completely eliminated, but it should be
11 understood in this work that that is literally
12 perhaps one of the most counterintuitive things
13 you could do, because it's going to already
14 produce look-alikes and the idea of a lineup is
15 not to do look-alikes, it's to get people who are
16 familiar.

17 If it's a light-complected person with
18 a beard, then you would choose light-complected
19 with beard, but you wouldn't scientifically
20 choose people for a photo lineup because that
21 would -- that would not be consistent with trying
22 to identify the suspect.

23 And, by the way, even in doing that
24 which is improper to ever use a facial
25 recognition photo in a lineup, but even in doing

1 that work still needed to occur. That did not
2 occur in this case.

3 QUESTIONER: And if you don't mind,
4 would you mind explaining where these photos are
5 coming from when you're like searching in the
6 database? Are they just mugshots or from being
7 on a sidewalk? Where do the photos come from?

8 CHIEF WHITE: Mugshots primarily,
9 driver's license photos -- yep, State of Michigan
10 driver's license photos, ID cards and mugshots.

11 QUESTIONER: Thank you.

12 CHIEF WHITE: All right, thank you
13 everyone.

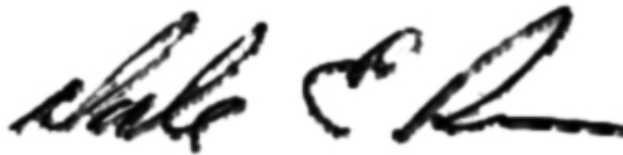
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STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

I HEREBY CERTIFY that I
transcribed this video recording and that this is
a full, true, complete and correct transcription
of said video recording (to the best of my
ability to hear and understand said recording).



DALE E. ROSE,
CSR-0087

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