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June 24, 2020

SENT VIA USPS & EMAIL

Office of the Chief Investigator
Detroit Public Safety Headquarters
1301 Third Street
Detroit, MI 48226

Dear Chief Investigator,

On January 9, 2020, Robert Williams was arrested by Detroit Police Department (“DPD”) officers in his front lawn, as his wife Melissa looked on and as his daughters wept from the trauma of their father being taken from them. The basis for Mr. Williams’ arrest was an erroneous facial recognition identification—an identification that falsely identified Mr. Williams as the person who stole watches from a Shinola store nearly a year-and-one-half earlier. Mr. Williams’ false arrest disrupted his family life, resulted in his unjustified jailing, and violated of all norms of reasonable policing and investigation. Furthermore, DPD and Wayne County have subsequently attempted to cover up this incident by ignoring both court orders and FOIA requests for records relating to Mr. Williams’ false arrest.

I write on behalf of the Williams family to formally lodge a complaint about this incident. At every step, DPD’s conduct has been improper: it unthinkingly relied on flawed and racist facial recognition technology without taking reasonable measures to verify the information being provided, it conducted a shoddy and incomplete investigation, its officers were rude and threatening, and it has completely failed to respond to a FOIA request seeking relevant records.

The story of Mr. Williams’ improper arrest began—unbeknownst to him and his family—in October 2018 when a store guard at a Shinola store in Detroit saw footage of an unidentified Black man shoplifting five watches. Video surveillance captured images of the suspect, who was dressed, among other things, in a St. Louis Cardinals hat. Mr. Williams, a lifelong resident of the Detroit area, owns no such hat, and is not a Cardinals fan. He’s not even a baseball fan. He is, however, Black.

DPD officers apparently did nothing to attempt to identify the suspect in the Shinola incident for approximately five months. Then, in March 2019, DPD arranged for a facial recognition search using the surveillance camera footage to be conducted. Using unreliable facial recognition software, that search falsely identified Mr. Williams as the individual in the footage.

It seems that DPD officers did nothing further with the facial recognition search results for approximately another four months. Then, in July 2019—nine months after the incident—DPD

“investigated” by conducting what essentially amounted to a rigged photographic lineup. DPD investigators showed six photographs, one of which was Mr. Williams drivers’ license photo, to a Shinola security guard—a guard who had not witnessed the incident in person and who had merely watched the same security camera footage that DPD officers already had in their possession. On the basis of an “identification” from the security guard, an arrest warrant issued—unbeknownst to Mr. Williams.

On January 9, 2020, DPD called Mr. Williams and told him to report to a Detroit police station to be arrested. They would not tell him why, and this was the first time Mr. Williams learned that he was a person of interest in any matter under investigation by the DPD. When Mr. Williams, who was so shocked by the news that he initially thought it was a prank call, asked for further information, the officers threatened that they would come arrest him at his place of work. In other words, the DPD used the threat of public humiliation and potential loss of employment to browbeat Mr. Williams into not asking any questions. As it happened, Mr. Williams’ work day was nearly over when Mr. Williams received this call, and he told officers he was heading home and would be willing to speak with them there. DPD officers responded by showing up to his house in Farmington Hills. Prior to his arrival, they questioned Mr. Williams’ wife, and at least one officer prevented her from closing the door by inserting their foot into the Williams’ home. When Mr. Williams arrived, he was arrested and handcuffed in his front lawn before he could even speak with his wife and family. Ms. Williams looked on, powerless to prevent what was happening, and desperately striving to keep their two young daughters from witnessing the scene. It did not work, and their daughters were crying and desperately asking why the police were taking their daddy away. When Ms. Williams asked where her husband was being taken, officers brusquely told her that she should “Google it.”

Mr. Williams was taken to the Detroit Detention Center. He was held overnight in a crowded and filthy cell without being given information about what was happening to him or what he was being accused of. The next day, he was interrogated, and in the course of the interrogation it became clear that his arrest was based on an erroneous facial recognition identification. The investigating officer looked confused, told Mr. Williams that the computer said it was him but then acknowledged that “the computer must have gotten it wrong.” But even after acknowledging their error, investigators did not release Mr. Williams. He was instead forced to remain incarcerated, and was arraigned later in the day and given a personal bond. Yet even at that point he was not promptly released. Instead, he was inexplicably incarcerated until after dark, at which point he was released out the front door, on a cold and rainy January night, where he was forced to wait outside on the curb for approximately an hour while his wife scrambled to find child care for the children so that she could come pick him up.

This was not the end of Mr. Williams’ harrowing experience. When he returned home, his children had begun playing games involving arresting people, and accused him of stealing things from them. He had to explain to his employer and family what had happened. And he had to live with the stigma of being arrested on his front lawn, in front of his family, and where any number of neighbors could have been watching as well. And he had to find and pay an attorney to defend him against the baseless charges against him, ultimately hiring Victoria Burton-Harris as his defense counsel.

At the probable cause conference, a Wayne County prosecutor announced that the charges against Mr. Williams were being dropped “without prejudice.” In other words, the DPD and the prosecutors were reserving the right to harass Mr. Williams and his family again. No reason was given for this decision. Concerned at the prospect that Mr. Williams could be re-arrested, Ms. Burton-Harris obtained an order from the 36th District Court requiring the Wayne County Prosecutor to turn over its entire file on Mr. Williams, including the warrant request and any body camera or dashboard camera footage of his arrest. Wayne County prosecutors stonewalled and defied the court order, refusing to provide the required documents and/or claiming that they could not be located.

Frustrated at the prosecutor’s intransigence, Ms. Burton-Harris filed FOIA requests on Mr. Williams’ behalf with both the prosecutor’s office and the DPD on February 26, 2020. This should have been a simple FOIA request to which to respond, as it requested only documents that are easily available to DPD. Yet DPD has failed entirely to respond to Mr. Williams’ FOIA request. The Wayne County Prosecutor also has not provided documents. In short: police and prosecutors have both stonewalled to prevent the facts about Mr. Williams’ false arrest from coming out. Mr. Williams’ and his family’s lives have been significantly upended by DPD’s reliance on flawed and racist technology, and by the incompetence and insensitivity displayed by the DPD at every stage of this matter. He demands that DPD take the following steps to prevent any further harm to him and his family and to alleviate the risk of similar harm befalling others:

- The case against Mr. Williams should be dismissed *with prejudice*, and he should receive a public apology for the trauma to which he and his family have been subjected.
- DPD should stop using facial recognition technology as an investigatory tool, and should stop requesting that other agencies do so on its behalf, as the facts of Mr. Williams’ case prove both that the technology is flawed and that DPD investigators are not competent in making use of such technology.
- Any photographs of Mr. Williams should be removed from any facial recognition database that DPD relies upon or calls upon other law enforcement agencies to use, and the mugshot taken after his arrest should be expunged from all DPD and state records.
- DPD should immediately respond to Mr. Williams’ FOIA request in full.

By filing this complaint, Mr. Williams does not waive any right to pursue these or other remedies through litigation. Please direct any responses or communication regarding this matter to my attention and do not contact the Williams family without my prior authorization.

Sincerely,



Phil Mayor
Senior Staff Attorney
ACLU Fund of Michigan