Statement of Chief James Craig, Detroit Police Department
"Facial Recognition Technology (Part III): Ensuring Commercial Transparency & Accuracy"
January 15, 2019

Introduction

Chairman Maloney and Ranking Member Jordan, thank you for the opportunity to submit this statement providing a local law enforcement perspective on the use of facial recognition technology.

Facial recognition technology is a topic that has been at the center of the law enforcement policy debate for the past few years. As the technology becomes more pervasive in society—more and more private sector entities are looking to incorporate facial recognition technology into their operations—the discussion around law enforcement's use of this technology will remain front and center. Last week, the Major Cities Chiefs Association (MCCA) held its annual Winter Meeting and facial recognition was one of the primary topics of discussion.[1] Member agencies had a robust discussion about the technology, including how local law enforcement can use it to help increase public safety while protecting the privacy, civil rights, and civil liberties of all Americans.

While I understand the concerns raised by those opposed to law enforcement's use of facial recognition, the potential benefits of the technology cannot be ignored or discounted. Facial recognition technology is used by law enforcement agencies for a broad range of investigative applications, including suspect and victim identification. In addition, facial recognition technology has provided local law enforcement with new capabilities that have allowed agencies to not only solve crimes more effectively, but operate more efficiently overall. Local law enforcement must have a seat at the table and it is imperative policy makers strongly consider law enforcement's opinion as they establish a path forward on this issue. As such, I urge Congress to work closely with organizations like the MCCA prior to taking legislative or other action.

Detroit Police Department's Use of Facial Recognition Technology

Unfortunately, there is significant misinformation about the manner in which the Detroit Police Department (DPD) utilizes facial recognition technology. Much of this misinformation stems from a report by the Center on Privacy & Technology at Georgetown Law, which is often cited by opponents of facial recognition technology. The Georgetown report claimed that DPD was using facial recognition on live surveillance video captured by cameras connected to Detroit's Project Green Light.[2] This is blatantly false. DPD only utilizes facial recognition technology on screen grabs from surveillance video or photos of suspects when a crime has been committed. DPD does not use facial recognition in real time on video footage. Furthermore, the technology is only used when

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[1] MCCA is a professional association of Chiefs and Sheriffs representing the largest cities in the United States and Canada. MCCA membership is comprised of the sixty-nine largest law enforcement agencies in the United States and nine largest in Canada. They serve 79.9 million people (65.7 US and 14.2 Canada) with a workforce of 251,082 (222,973 US and 28,110 Canada) officers and non-sworn personnel.

[2] Project Green Light is a crime reduction initiative where cameras installed in businesses, community centers, and other locations transmit 24/7 live video back to DPD's real time crime center. Designed to help people determine safe locations and deter crime, participating locations can be identified by oscillating green lights, Project Green Light signage, or a combination of both.

a felony crime has been committed. It is not used to determine immigration status and DPD does not share facial recognition matches with other agencies, both of which have also been falsely reported.

DPD's use of facial recognition technology is an expeditious way of generating leads. The technology automates data analysis processes to help DPD identify potential suspects more quickly. At its core, what the technology does is no different than using a sketch artist drawing or photo and having an officer manually look through mugshots or other databases for a match. Facial recognition is simply another tool to help solve crimes and build cases. For example, DPD would not be able to obtain an arrest or search warrant off a facial recognition match alone.

Safeguards

Opponents of facial recognition technology have raised concerns about biases within the technology and that it can be misused to violate citizen's privacy rights. As a result, some jurisdictions have banned their local law enforcement agencies from utilizing facial recognition technology. While I fully acknowledge there is room for improvement in facial recognition algorithms, especially when trying to identify people of color, an outright ban is not the solution. Facial recognition is still a valuable lead generation tool for law enforcement, even with the technology's current limitations.

Considering the current state of facial recognition technology, it's imperative that law enforcement agencies have the proper policies and procedures in place to govern its use. This is exactly what DPD has done by implementing a three-step approval process. Before a facial recognition lead is forwarded to an investigator, two facial recognition analysts must determine there is a match. This determination must then be approved by a supervisor. As a result, facial recognition analysts only forward approximately 30% of facial recognition leads, ensuring DPD investigators are pursuing actual matches to suspects and not false positives or false negatives. To further protect citizen's right to privacy, in instances where there isn't a match, the individual's photo is purged from the system. DPD's robust oversight and governance processes, coupled with facial recognition's value as a crime fighting tool, led Detroit's Board of Police Commissioners to approve DPD's continued use of the technology.[3]

Facial Recognition Success Stories

Story #1
On January 25, 2019, a 27-year old male suspect entered a business and produced an eight inch kitchen knife and demanded the cashier put all the money in his bag. The suspect took an unknown amount of money. After the robbery, the suspect fled the location on foot. An investigation was immediately conducted using facial recognition as an investigative tool to assist in identifying the violent offender. The following day, this violent offender was arrested. A warrant was submitted to the Wayne County Prosecutors

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[3] DPD's full facial recognition policy can be found here: https://detroitmi.gov/sites/detroitmi.localhost/files/2019-09/Revised%20facial%20recognition%20directive%20transmitted%20to%20Board%209-12-2019.pdf

Office (WCPO) and he was charged with Armed Robbery. Unfortunately, the case was dismissed because the victim refused to prosecute.

Story # 2
Wayne County Prosecutor Kym Worthy charged a man in connection with the killing of three members of Detroit's lesbian, gay, bisexual, transgender, and queer (or questioning) (LGBTQ) community. Prosecutors charged him with three counts of first-degree murder, two counts of assault with intent to murder, and five counts of the use of a firearm in connection with a felony for a murder that took place on May 25, 2019. The victims met up with the suspect at a gas station at a Green Light gas station. The suspect left the location and then went to a different location and later returned to the Green Light gas station, fatally shooting three (3) people. Two other people were also shot at a different location, but survived. Facial recognition was utilized in DPD's process to identify the suspect.

Story #3
On August 20, 2019, a non in custody warrant package was submitted to the Wayne County Prosecutors Office for an armed robbery incident that took place on August 13, 2019. Investigators were able to use video footage obtained from a nearby business and the facial recognition software to assist in identifying a suspect. A warrant was approved for the following charges of one (1) count of Armed Robbery, two (2) counts of Felon in Possession of a Firearm and two (2) counts for Weapons. The suspect was also charged in connection to a police shooting that occurred on August 21, 2019. He was also charged with: Assault with Intent to Murder, Assault with Intent to do Great Bodily Harm, Felonious Assault, three counts of Felony Firearm, Carrying a Concealed Weapon, Felon in Possession of a Firearm and Resisting and Obstructing the Police.

Story #4
On September 13, 2018, two armed suspects robbed a 53-year old female victim at gun point while she was walking home from a bus stop. The suspects took the victim's purse and book bag and told her to run. An investigation was immediately conducted using facial recognition as an investigative tool to assist in identifying one of the suspects. A warrant was submitted to the WCPO, and the suspect was arrested on October 24, 2018. He subsequently plead guilty to Armed Robbery.

Story #5
Facial recognition software contributed to the arrest of an alleged suspect wanted in connection with two robberies and a non-fatal shooting that occurred on Detroit's west side on September 15, 2019. Police responded to a robbery and shooting at a Project Green Light location, where a male victim was shot and sustained a non-life threatening injury. Analysts in the Real Time Crime Center reviewed the Green Light video and observed the armed suspect commit the crime.

The video also produced information on the suspect's vehicle. A search of the license plate reader (LPR) produced information that led to the suspect's address.

By using facial recognition software, police were able to identify the alleged suspect. The tip/lead was forwarded to an investigator for follow-up and further investigation. On September 18th, the suspect was located and taken into custody. A warrant package was submitted to the WCPO for review and approval. The alleged suspect was charged with the following: two (2) counts of Armed Robbery, one (1) count of Intent to Murder, one (1) count of Assault with Intent to do Bodily Harm, two (2) counts of Felon in Possession of a Firearm, one (1) count of Carrying a Concealed Weapon, one (1) count of Carrying with Unlawful Intent, and five (5) counts of Felony Firearm.

Conclusion

Facial recognition is a valuable tool for law enforcement that can generate additional leads and help further investigations. Its use will not only increase public safety, but make law enforcement operations more effective and efficient. While there have been legitimate concerns raised regarding the technology's use, proper oversight and governance policies can mitigate these issues. As DPD's program has clearly demonstrated, these guardrails can allow law enforcement to successfully use facial recognition technology while protecting civil rights and civil liberties. I strongly believe that prohibiting law enforcement from using the technology is a mistake. I call on Congress to continue to collaborate closely with local law enforcement and organizations like the MCCA to ensure that any legislation or regulatory actions do not prevent law enforcement from carrying out the vital responsibility of protecting our communities to the best of their ability.