

Testimony of Robert Williams

House of Representatives  
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Hearing On

“FACIAL RECOGNITION TECHNOLOGY: EXAMINING ITS USE BY LAW  
ENFORCEMENT”

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Chair Nadler, Chair Jackson Lee, Ranking Member Jordan, Ranking Member Biggs, and members of the Subcommittee, thank you for the opportunity to testify today about the dangers of law enforcement uses of facial recognition technology.

I never thought I would be a cautionary tale. More than that, I never thought I'd have to explain to my daughters why their Daddy got arrested in front of them on our front lawn. How does one explain to two little girls that a computer got it wrong, but the police listened to it anyway and that meant they could arrest me for a crime I didn't commit?

This is what happened to me: As I was getting ready to head home from work one day in January of 2020, my wife called me and told me that a police officer had called and said I needed to turn myself in. She was scared and confused. The officers called me next, but wouldn't explain why I was supposed to turn myself in or what I was accused of, so I thought it was probably a prank. I couldn't imagine what else it could be. But as I pulled up to my house, a Detroit police squad car was waiting for me. When I pulled into the driveway, the squad car swooped in from behind to block my SUV — as if I would make a run for it. One officer jumped out and asked if I was Robert Williams. I said I was. He told me I was under arrest.

I asked for a reason. He showed me a piece of paper with my name on it. The words “arrest warrant” and “felony larceny” were all I could make out.

By then, my wife, Melissa, was outside with our youngest in her arms, and my older daughter was peeking around my wife trying to see what was happening. I told my older daughter to go back inside, that the cops were making a mistake and that Daddy would be back in a minute.

But I wasn't back in a minute. I was handcuffed and taken to the Detroit Detention Center.

As any other person would be, I was confused, scared, and, yes, angry, that this was happening to me. As any other black man would be, I had to consider what could happen if I asked too many questions or displayed my anger openly — even though I knew I had done nothing wrong.

When we arrived at the detention center, I was patted down probably seven times, asked to remove the strings from my shoes and hoodie and fingerprinted. They also took my mugshot and DNA sample. No one would tell me what crime they thought I'd committed.

After that, a full 18 hours went by. I spent the night sleeping on the cold concrete floor of a filthy, overcrowded cell next to an overflowing trash can. No one came to talk to me or explain what I was accused of.

Meanwhile, my family spent the night at home, without me, scared for me and for what my false arrest would mean for all of us.

Finally, the next morning, two officers came to talk to me. They refused to explain what I was accused of unless I waived my right to have an attorney present, so that's what I did because I was so desperate to learn why I was being incarcerated. They asked if I'd ever been to a Shinola watch store in Detroit. I was honest. I said that I had been to one once, many years ago. They showed me a blurry surveillance camera photo of a black man and asked if it was me. I chuckled a bit. "No, that is not me." One of the officers showed me another photo and said, "So I guess this isn't you either?" It wasn't. I picked up the piece of paper, put it next to my face and said, "I hope you guys don't think that all black men look alike."

The cops looked at each other. I heard one say that "the computer must have gotten it wrong." I asked if I was free to go now, and they said no. I returned to my cell to await what would come next. I was released from detention later that evening, after nearly 30 hours in holding.

They released me into a cold, rainy night in Detroit. I had to wait on the corner for 45 minutes for my wife to be able to come pick me up, which was not easy for her to do since we have two young children and it was after their bedtime.

I should also mention that during the time that I was in custody, my wife was dealing with the emotional and practical immediate fallout. My daughters were scared, wondering why their father had been arrested and whether he would come home. My wife had to comfort them. While I was away, our oldest daughter turned over a family photo that was sitting out on the family furniture because she couldn't bear looking at a picture of her Daddy under the circumstances. My wife also had to call my employer and explain to them where I was and why I wouldn't be coming to work that day. They could have fired me right then. They didn't and for that I'm grateful. But they could have. I hate to think of what could have happened to my family if they had.

I eventually got more information after the American Civil Liberties Union of Michigan connected me with a defense attorney. Someone had stolen watches, and the store owner provided surveillance footage to the Detroit Police Department. They sent a blurry, shadowy image from that footage to the Michigan State Police, who then ran it through their facial-recognition system. That system incorrectly matched a photograph of me pulled from an old driver's license picture with the surveillance image.

I've since learned that federal studies [have shown](#) that facial-recognition systems misidentify Asian and Black people up to 100 times more often than white people. Why is law enforcement even allowed to use such technology when it obviously doesn't work? I get angry when I hear companies, politicians and police talk about how this technology isn't dangerous or flawed or say that they only use it as an investigative tool. If any of that was true, I wouldn't have been arrested.

What's worse is that, before this happened to me, I actually believed them. I thought, "what's so terrible if they're not invading our privacy and all they're doing is using this technology to narrow in on a group of suspects?"

We now know that there are at least two others like me who were arrested for crimes they didn't commit because the computer made a mistake – both Black men. According to the Georgetown Privacy Law Center, there are undoubtedly many more. The only question is how many because police and prosecutors often do not think that they are obligated to disclose when they use facial recognition to identify people. I wouldn't have known that facial recognition was used to arrest me had it not been for the cops who let it slip while interrogating me. In that way, I got lucky, if you can call it that. Others, we can be sure, were not.

Lawyers at the ACLU and the University of Michigan's Civil Rights Litigation Initiative have filed a lawsuit against the police department on my behalf, but winning that case can't undo the damage to me and my family. My daughters can't unsee me being handcuffed and put into a police car. They continue to suffer that trauma. For example, after I returned from Jail, they started playing cops and robbers games where they tell me that I'm in jail for stealing. And even today, when my daughters encounter the coverage about what happened to me, they are reduced to tears by their memory of those awful days. We just don't know what kind of long-term impact this might have on them; we do know that this was their first ever encounter with the police.

But they can also see me use this experience to bring some good into the world. That means helping make sure my daughters don't grow up in a world where their driver's license or Facebook photos could be used to target, track or harm them – or anyone else. That's why I brought the case with the ACLU and it's why I'm here talking to you today.

I also want to say something about improving the accuracy of the technology. I don't want anyone to walk away from my testimony thinking that if only the technology was made more accurate, its problems would be solved. Even if this technology does become accurate (at the expense of people like me), I don't want my daughters' faces to be part of some government database. I don't want cops showing up at their door because they were recorded at a protest the government didn't like. I don't want this technology automating and worsening the racist policies they could be protesting. I don't want them to have a police record for something they didn't do – like I now do.

I grew up in Detroit, and I know from that experience that the fact of the matter is that people that look like me have been long been more subject to surveillance, heavy policing, and mass incarceration than other some other populations. I worry that facial recognition technology, even if it works better than it did in my case, will make these problems worse.

That's why I think Congress should stop law enforcement from using facial recognition technology. As it is, it's just too dangerous. There's legislation that could help get the job done. The Facial Recognition and Biometric Technology Moratorium Act would stop

federal law enforcement using this technology and make it harder for state and local cops to pay for it too.

I keep thinking about how lucky I was to have spent only one night in jail — as traumatizing as it was. Many Black people won't be so lucky. My family and I don't want to live with that fear. I don't want anyone to live with that fear. Congress should do something to make sure no one else has to. I truly hope that you will.

Thank you again for the opportunity to testify today. I am happy to answer any questions.