

Cases In Which Someone Was Incorrectly Arrested:

- Robert Williams
- Nijeer Parks
- Michael Oliver
- Randal Reid

Robert Williams:

The first and best known case, Robert Williams was arrested in a suburb of Detroit in 2019. He was accused of stealing jewelry from a store the previous October. His case is detailed in the attached New York Times article “Wrongly Accused By An Algorithm.”

Nijeer Parks:



In February 2019, Nijeer Parks was accused of shoplifting candy and trying to hit a police officer with a car at a Hampton Inn in Woodbridge, N.J. The police had identified him using facial recognition software, even though he was 30 miles away at the time of the incident. Mr. Parks spent 10 days in jail and paid around \$5,000 to defend himself. In November 2019, the case was dismissed for lack of evidence. Mr. Parks is now suing the police, the prosecutor, and the City of Woodbridge for false arrest, false imprisonment, and violation of his civil rights.

Another point in this example is the quality of the photos being processed, and how those photos can skew search results. Often, facial recognition systems pull photos from large databases, such as a state’s driver’s license database. But, if the photos from that database are of a low quality, then the system they create is that much worse and more harmful.

Michael Oliver:



In July of 2019, Michael Oliver, 26, was on his way to work in Ferndale, Michigan, when a cop car pulled him over. The officer informed him that there was a felony warrant out for his arrest. "I thought he was joking because he was laughing," recalled Oliver. "But as soon as he took me out of my car and cuffed me, I knew this wasn't a joke." Shortly thereafter, Oliver was transferred to Detroit police custody and charged with larceny. Months later, at a pre-trial hearing, he would finally see the evidence against him — a **single** screen-grab from a video of the incident, taken on the accuser's cellphone. Oliver, who has an oval-shaped face and a number of tattoos, shared few physical characteristics with the person in the photo. "He looked nothing like me," Oliver said. "He didn't even have tattoos." The judge agreed, and the case was promptly dismissed.

Another noteworthy point about this case is that Mr. Oliver wasn't told his arrest was solely based on a facial recognition search result until months after the fact. This is because there is no federal requirement that law enforcement officers must do so. Time and again, we see technology moving faster than regulators can keep up with, sometimes with devastating, irreversible results.

Randall Reid:

In perhaps the most unnerving case, Reid was misidentified despite several glaring differences between himself and the perpetrator. There is a 20 year age difference between the two; Reid has noticeable gaps in his teeth and the perpetrator does not; Reid is 7 inches taller than the perpetrator; and Reid walks with a slight limp, something not present in the video of the crime he was arrested for.

Legislation Description:

- 1) **Creation of a Surveillance Report:** Section 3.102.040 states:
 - a) *No later than June 1 of each year, the mayor or a designee shall transmit to the assembly and cause to be publicly posted on the municipal website an Annual Surveillance Report with all the following information: [See Page 6]*
- 2) **Prevent the Acquisition and Use of Facial Recognition Technology:** Section 3.102.020 states [See Page 3]:
 - a) Notwithstanding any other provision of this chapter except for the exceptions provided in section 3.102.030, it shall be unlawful for the municipality or any municipal staff to obtain, retain, request, access, or use: FRT; information obtained from FRT
 - b) Inadvertent or unintentional receipt, access, or use of any information obtained from FRT is not a violation, provided that municipal staff did not request/solicit the information and municipal staff logs such receipt, access, or use in the Annual Surveillance Report
- 3) **Granting Future Exceptions:** Section C under “Exceptions” provides a way for municipal agencies to ask for exceptions, in light of changing circumstances in the future [See Pages 4 and 5]:
 - a) Recognizing that changes in technology and circumstances may require additional exceptions to the requirements of this section, the assembly may approve such additional exceptions by resolution, under the following conditions:
 - i) Any municipal department that requests an exception to the restrictions of section 3.102.020 shall include in its request to the assembly an explanation of the need for an exception, a description of how the technology or information will be used, and a plan for monitoring the technology or information to ensure that its use remains within the approved parameters.