DETOIETERS WANT TO BE SEEN, NOT WATCHED
Civil Rights Coalition Opposes Facial Recognition Technology in Letter to Detroit Board of Police Commissioners

August 1, 2019

DETROIT – Today a diverse coalition of twelve local civil rights organizations urged the Detroit Board of Police Commissioners to reject the Detroit Police Department’s (DPD) proposed use of facial recognition technology in a joint letter.

“Facial recognition technology is racially biased and poses a grave threat to privacy,” said Rodd Monts, Campaign Outreach Coordinator for the ACLU of Michigan. “It will disproportionately harm immigrants and communities of color, who already bear the brunt of over-policing. A city like ours should be taking the lead in resisting the use of dangerous and racially biased surveillance technology — not advocating for it.”

The coalition’s letter opposes the facial recognition policy proposed by the DPD on July 25. While the DPD claims it will not use its full surveillance capabilities, the coalition opposes DPD’s use of this surveillance technology in any form. The coalition urges the board to follow the lead of San Francisco, Oakland, and Somerville, Massachusetts, which have also banned police use of facial recognition technology.

See full text of this press release release and the letter at bit.ly/CivilRightsCoalitionOpposesFacialRecognition

The coalition includes: the Arab American Civil Rights League (ACRL), Arab Community Center for Economic and Social Services (ACCESS), ACLU of Michigan, CAIR Michigan, Color Of Change, Detroit Community Technology Project, Detroit Hispanic Development Center, Detroit Justice Center, Michigan Immigrant Rights Center, Michigan United, Metropolitan Organizing Strategy Enabling Strength (MOSES), and We The People – Michigan.
This special issue of Riverwise is designed to provide a critical perspective on the controversy swirling around the Mayor’s plans to blanket an already highly surveilled city with more high definition cameras, including traffic lights and facial recognition technologies. Thanks to considerable grassroots organizing and researchers, the effort by city officials to quietly expand a surveillance program that endangers all Detroiters has been brought to light. Since the spring, Detroit Board of Police Commissioners (BOPC) meetings, despite very little official notice, have been heavily attended by the public. In April, the BOPC sent out an email referencing a new proposed policy directive by the Detroit Police Department (DPD) that asked for “unmanned aerial vehicles (drones), facial recognition and traffic lights and facial recognition.” This alerted digital justice and legal activists who had already been scrutinizing the city’s rapidly expanding Project Green Light surveillance program. Community advocates shared research indicating that camera surveillance has little effect on crime, and the introduction of facial recognition technology holds great potential for abuse by police and government officials. Implementing surveillance technology that is racially biased is irresponsible. It is reprehensible in a city that is 80% Black at a time when crime has been decreasing in the city and across the country in recent years.

Since resistance began in April, the proposed policy directives no longer reference unmanned aerial vehicles, and DPD has split facial recognition and traffic cameras into separate directives. The BOPC has already approved the traffic cameras, but facial recognition has not come up for a vote again, because DPD removed it for further deliberation.

Two recent reports by the Georgetown Law Center on Privacy and Technology, “Garbage In, Garbage Out” and “America Under Watch,” document abuse of facial recognition software by police in several cities, leading to innocent citizens being misidentified and targeted as suspects. A critical 2015 study, “Gender Shades” by MIT computer scientist Joy Buolamwini found extreme gender and racial bias in facial analysis software propagated by IBM, Microsoft and Amazon. Other studies have shown that facial recognition programs inherently produce false matches for people with darker skin. The Detroit Community Technology Project has also released and circulated their report, “A Critical Summary of Detroit’s Project Green Light and Its Greater Context,” with similar findings (bit.ly/DetProjectGreenLight).

So why are the Mayor’s office and the Detroit Police Department pushing for more cameras with the potential to track the faces of whomever crosses their path? Why have the Mayor and DPD placed such emphasis on the distinction between livestream images and still photos? What are the implications for all of us if Project Green Light continues to expand, including to unlimited use of mobile devices? In this special issue of Riverwise we offer our perspective with the hope that we have a thorough debate, and join other cities across the country who have already banned police use of facial recognition technology.

Project Green Light: The Pretext for Mass Surveillance

Project Green Light (PGL) began in 2016 with a substantial amount of publicity and assurance from Mayor Mike Duggan. The Detroit Police Department argued that violent crimes were often taking place near businesses with late hours, such as party stores and gas stations. Cameras placed in the vicinity of those businesses would discourage crime and help identify suspects, we were told. Eight local businesses were recruited. Several cameras, the ubiquitous green lights, and PGL signs were installed at each location. The cameras were monitored over the course of a year and DPD data showed a decrease in “criminal activity” at those locations. The Mayor and DPD leadership used this experience to justify expanding Project Green Light and ultimately to introduce facial recognition technologies. But nobody, including PGL business owners, were told of the future capacity of those cameras to be connected to systems with facial recognition. On closer examination this original rationale was unsupported. The oft-quoted reduction of crime at the original Project Green Light locations does not paint an accurate picture, according to many observers, including Attorney Eric Williams from the Detroit Justice Center. In fact, the decrease in criminal activity at the few original eight PGL locations could have been predicted. There were a limited number of cameras and, because PGL locations are given priority over non-PGL locations, police responded quickly. But as the number of PGL locations increases, the ability to monitor those locations decreases. There are currently over 550 PGL locations and that number is growing. The Mayor has stated that he hopes to get that number up to 4,000 in the near future, and that he would mandate PGL participation for businesses that remain open past certain hours. As the camera network expands, police cannot possibly respond quickly. That’s where the facial recognition software comes in.

In 2017, the City of Detroit signed a contract agreement with DataWorks Plus for the purchase and implementation of FacePlus, the facial recognition software. The city specifically asked that “the facial recognition work on at least 100 concurrent real-time video feeds.” FacePlus is a software program that can automatically search all the faces that enter the camera frame against photos in a statewide database of eight million ‘criminal’ photos and 32 million drivers license pictures. If any matches occur, the software alerts the authorities.

We must presume that continued expansion renders the PGL program less effective, thereby forcing DPD to rely more heavily on facial recognition technology and, potentially, livestream tracking. The software would need to do the tracking and policing for them. In fact, the City of Detroit has acknowledged that less human monitoring will occur as resources become stretched by the program’s expansion. The potential for misidentification and misuse is clear. Duggan recently tried to sidestep...
concerns of possible surveillance abuse. He stated emphatically that, “There will be no facial recognition software used with livestream video by the Detroit Police Department.” But a subsequent news article (“Experts: Duggan’s Denial of Facial Recognition Software Hinges on 3 Words,” by Allie Gross, Detroit Free Press, July 16, 2019) makes clear that the difference between live video and still photos is of little significance when thinking about the potential violations of our civil liberties. Research has proven that using facial recognition software presents the same legal and ethical questions, no matter how the image is captured. However, it is important to note where the methods diverge. In order to process live video, the video must be converted into an image, but not all facial recognition is used to capture still images for processing. Some facial recognition technology has been used to identify people in real time for immediate pursuit.

Concern regarding facial recognition technology is not limited to the processing of images captured from video and run through databases. Residents have expressed great concern about feeling “tracked” by the technology.

Alvaro Bedoya, the founding director of the Georgetown Law Center on Privacy & Technology, whose colleagues published a report about Detroit’s 2017 purchase of facial recognition software, said, “Face recognition on live video is indeed considered the most invasive form of tracking.” Although, he acknowledges, non-live video use is problematic as well.

According to the Electronic Frontier Foundation (EFF), “Face recognition systems can be used to identify people in photos, video, or in real time. Law enforcement may also use mobile devices to identify people during police stops.” EFF also indicated that, “It may be used to track individuals’ movements out in the world like automated license plate readers track vehicles by plate numbers. Real-time face recognition is already being used in other countries and even at sporting events in the United States.”

Video Surveillance: A Continuing Legacy of Oppression

Improving the ability of facial recognition technology to identify people of color requires capturing and identifying images to increase the accuracy of the algorithm. Developers have acknowledged that, for this reason, facial recognition is very much a work in progress. The introduction of this program in Detroit would be the largest experiment on a concentration of Black people in the United States in recent history. Nearly 700,000 would be exposed to a technology that has proven to be inaccurate on people of color.

This massive facial recognition experiment reminds us of the long history of abuse Black people have faced, whether in the name of science or safety. The last century saw the infamous Tuskegee Experiment which was also based on concepts of biometrics. In the 1800s the Lantern Laws required a Black person to hold a lit lantern to their face in the presence of a white person at night. Like Project Green Light, the justification was to improve safety. For Black citizens across the country, the prospect of expanding police surveillance is a continuation of a white supremacist system that keeps Black communities, especially politically active ones, under a watchful eye.

To deny this historical experiment is not to overreact or be over-emotional. We have a collective experience that reminds us that militarization and surveillance in the hands of law enforcement threatens our safety. Only two years ago the FBI dropped the “Black Identity Extremists” tag from Black Lives Matter — a designation that allowed federal law enforcement agencies free rein to target and surveil members at protests, special events, and public spaces in general. Facial recognition technology was used by Baltimore police in 2015 to target citizens protesting the death of Freddie Gray. As a result, several were arrested for outstanding warrants.

It is the potential for these types of law enforcement abuses that has led to legislative action in several large cities across the country. Oakland, Calif., very recently became the fourth U.S. city (along with San Francisco, and Somerville and Cambridge, Mass.) to outright ban the use of camera-based facial recognition technology by local police. In addition, the United Nations has called for an immediate moratorium on the sale, transfer and use of surveillance tools. “Face recognition technology runs the risk of making Oakland residents less safe as the misidentification of individuals could lead to the misuse of force, false incarceration, and minority-based persecution,” reads the newly passed City of Oakland ordinance.

Public Safety Without The Public

Just as we have seen the privatization of hospitals, schools, universities, and prisons, we are seeing the beginning contours of a surveillance state to control most of the people, while only some receive protection. Surveillance is big business. Thus far well over 500 businesses have signed up for Project Green Light. PGL businesses face initial costs averaging around $5,000 for the hardware and yearly charges of $1,600 for video storage. Multiply that by 550 and we have a tidy $3.6 million take for companies contracted to provide the cameras and the lights just this year. How much of that ends up with DPD and the City? This doesn’t include the millions of dollars being leveraged from bond funds to pay for real-time crime centers, where police and analysts monitor and review the camera feeds. Detroit’s City Council just approved $4 million to expand the real-time crime centers in two precincts and to upgrade the main site which has already cost $8 million. After stating that he wanted to see up to 4,000 businesses on the PGL roster, Mayor Duggan indicated in 2018 that he will mandate the program for all businesses with late night hours. This alters the entire relationship between taxpayers and the city department that is supposed to receive and allocate tax revenue toward public safety. In fact, the expanded version of PGL creates a city-wide private police force which caters primarily to PGL members. Additionally, Mayor Duggan has proposed funding for a drone program expansion, and adding PGL cameras to public transit stops and...
The Detroit Police Department has publicly committed to responding to Green Light locations as a first priority over non-Green Light locations. This means PGL businesses will be receiving additional police services, to the detriment of other Detroitors and visitors. It’s a continuation of the global trend of privatizing public institutions or, to put it another way, redistributing wealth and power from the public to the private sector.

The Case for a Ban On Facial Recognition: A New Society

Modern life involves real dangers. The generation and manipulation of fear is also a fact of our time. Very often fear-mongering is deployed to suit the political and economic agenda of those in power.

One of the greatest tragedies that comes with Project Green Light is that, as contractors hardwire the city with cameras and monitors, we, as human beings, are being conditioned to think that crime is a natural social manifestation. We are being taught to accept the idea that we can’t change the conditions that lead folks to commit crimes in the first place.

And so the emergence of solutions that directly address the economic and social oppression, and the desperation that leads to most criminal activity, is suppressed. If we must use money as a solution, why not have every business that maintains late hours donate $5,000 to health clinics and mental health centers? How about taking that money and financing programs that focus on our young residents and build skills in either building trades, or newly defined trades in the green economy?

The recent report by the Detroit Community Technology Project says, “...it has been argued that reinvestment into the community that does not displace or further marginalize residents (through housing, education, affordable water, etc.) would actually be effective in reducing crime and improving public safety. This is supported by research that has shown that crime rates increase when public welfare is unable to support individuals,” (page 7, “A Critical Summary of Detroit’s Project Green Light and Its Greater Context”).

In recent weeks state and city legislators have begun to challenge facial recognition technology. Bills drafted by State Senators Stephanie Chang and Peter Lucido prove that banning facial recognition technology has bipartisan appeal. State Representatives Isaac Robinson, Sherry Gay-Dagnogo and Jewell Jones have co-sponsored a bill that imposes a five-year moratorium on police use of facial recognition technologies statewide. The bill acknowledges the potential infringement of our rights. U.S. Congresswoman Rashida Tlaib has sponsored a bill banning the use of facial recognition technologies in public housing.

Detroit Police leadership recently took members of the news media, the Board of Police Commissioners, and residents on tours inside the real-time crime center. During the tours, DPD stressed the fact that facial recognition technology would be used for investigative “leads only.” Chief Craig further indicated that, “If we, as a department, just relied on the computer to do the work, we’d probably have 100 percent mismatches.”

Facial recognition software doesn’t work, and even if they were to “fix” the algorithms, the technology would work against us. It will not make us safer. In fact, it does the opposite. It infringes on our right to privacy and usurps our right to due process under the law. It will put a new weapon of control into the hands of government and police. If we allow Project Green Light to continue uncontested, we will have to bear the responsibility of all the abuses by law enforcement that will undoubtedly take place in a majority-Black city—false identifications, false arrests, false convictions, an assault on due process, a loss of privacy, misappropriation of tax revenue, and general over-policing and over-incarceration, not to mention the financial impact to the city of potential lawsuits.

Many people in our community think these are risks worth taking if they mean the majority of us will be safer. As one woman said at the police commission hearing, “If you aren’t doing anything wrong, why worry?” This attitude is what the Mayor and DPD leadership have leveraged to expand Project Green Light. So those of us who oppose expanded militarization and surveillance in our communities have an obligation to address these fears seriously and ask the critical questions. We need to create ways that reimagine safety and power in our community.

How do we create relationships based on care, where we learn to turn to each other, not against one another? All of us want our streets to be safe. We want our children to be able to walk back and forth to school with no anxiety. We want to be safe in our homes and daily lives.

Surveillance and over-policing doesn’t amount to safety. Across the globe, surveillance is used as a means of social control and maintaining a system of economic inequality. We must challenge the reactionary politics that would allow resources to be allocated away from affordable water programs, increased transportation, and adequate schools and recreation centers, towards methods of surveillance and mass incarceration. We must acknowledge the enormous body of evidence that Project Green Light is a huge step toward a surveillance state and concede, sorrowfully, that the Mayor’s office and Detroit Police Department are leading the charge.

But we gain hope from the growing attendance at public meetings on police surveillance and we support continued public protest to reverse the massive trend toward a more militarized police state. Continued debate will lead to a more just solution and humane framework on the topic of public safety. As camera surveillance is forced into the public sphere, our analysis will deepen. Green lights mean something different now. We should be precise about what kind of message they are signaling.

Share your voice: Next BOPC community meeting is August 8, 2019 at 6:30 p.m in the 5th Precinct, at the Samaritan Center, 5555 Connor, in the Carolyn Cheeks-Kilpatrick Room.

The BOPC meets every Thursday at the Detroit Public Safety Headquarters, 1301 3rd Avenue, just south of Michigan Ave.
Why is this important?
The right to privacy and due process under the law belongs to everyone. Residents, technologists, organizers, activists, artists, educators and legislators are learning the implications of police use of facial recognition technologies. Inaccuracies in the technology for darker skin tones, women, and children place many Americans at risk of having their civil and human rights violated. This is a particularly troubling situation for Detroit, where the population is over 80% Black. This would be the largest experiment on Black people in the United States, in modern times.

We don't deserve a justice system regulated by faulty algorithms. We don't deserve a justice system that relies on profiling, and we can't trust a technology that has proven time and time again that it cannot be trusted. Facial surveillance technology does not keep us safe, in fact it does the opposite.

Pass Senate Bill 342 (SB342) and House Bill 4810 (HB4810), and protect the right to privacy for people in Michigan.

Please support Senator Peter Lucido's (R-Shelby Twp) Senate Bill 342 (SB342), co-sponsored by Senator Stephanie Gray Chang (D-Detroit). The legislation would prohibit law enforcement officials from obtaining, accessing or using any facial recognition technology, along with any information gathered from such technology. Any information obtained in violation of the law would be inadmissible in court “as if the evidence, arrest warrant, or search warrant was obtained in violation of Amendment IV of the Constitution of the United States and section 11 of Article I of the state constitution of 1963.”

In effect, the passage of SB342 would impose a total ban on the use of facial recognition technology by Michigan law enforcement.

State Rep. Isaac Robinson’s (D-Detroit) House Bill 4810 would create a five-year moratorium on the use of facial recognition technology by law enforcement. HB 4810 would also prevent the use of facial recognition software to obtain warrants or otherwise enforce the law. The prohibition includes footage obtained from surveillance cameras, unmanned aircraft, body cameras, and street and traffic light cameras. The bill is co-sponsored by state Reps. Sherry Gay-Dagnogo (D-Detroit) and Jewell Jones (D-Inkster).

Recently, the Detroit Board of Police Commissioners tabled a vote on the use of facial recognition technology to monitor city neighborhoods but approved the use of traffic cameras with the capacity to use the technology. Detroit Police Chief Craig recently admitted to using the technology under a standard operating procedure, through their Project Green Light Program for over a year. Until recently, there had been no public discourse around DPD’s use of facial recognition technology.

The Detroit Police Board of Commissioners is expected to approve the use of the technology despite public opposition. Serious concerns exist regarding the use of facial recognition technology as it has been shown to misidentify African-American faces, darker skin tones, women and children.

It's time for Michigan to show the world that we respect, and will protect our right to privacy and due process under the law.

Urge your legislators to support SB342 and House Bill 4810 at bit.ly/ProtectOurPrivacyMi
Several hundred people gathered at the Detroit Police Commissioner Board hearing at St. John’s Lutheran Church to discuss the expansion of a facial recognition system tied to Project Green Light. Currently, Detroit and Chicago are the only cities in the country implementing real-time facial recognition. Representatives of the Detroit Police Department strongly advocated the use of this technology, saying it would enable them to catch criminals.

To blunt fears of the new technology the police said it was like using fingerprints or DNA, just another way to identify who committed a crime.

Such sloppy arguments were echoed by some community members who spoke of their fears of crime and their willingness to do almost anything to feel more secure. Predictably, some people echoed the sentiment that if you aren’t doing anything wrong, you have nothing to fear from the government.

These arguments represent one of the primary reasons we should oppose facial recognition systems and Project Green Light. The advocates of these programs are taking the deepest fears of people and twisting them into a distorted idea of what will improve their lives. The supporters of surveillance take our best impulses and turn them against us. This willful manipulation of fear, and the promises of some kind of security, distort our capacity to make meaningful decisions about how to create peaceful, compassionate relationships.

Several major studies have concluded that there is absolutely no basis to claim that either the real-time monitoring of people or the introduction of facial recognition systems reduces crime. There is no evidence that facial recognition impacts crime. There is ample evidence that facial recognition increases injustice against African Americans, people of color, women, and youth.

In September 2011, the Urban Institute, an economic and social policy think tank published a paper analyzing surveillance trends in Washington, D.C., Baltimore and Chicago. Drilling into the question of whether the program was worth the cost, the organization reported mixed findings.

“Results varied, with crime falling in some areas and remaining unchanged in others,” it said, noting that success or failure depended on how the surveillance systems were set up and monitored and how they balanced privacy and security.

Baltimore police did use facial recognition technology successfully to identify people who protested the police killing of Freddie Gray. In 2011 the University of Texas at Dallas conducted a study concluding that racial bias was predictable because of the nature of the data sets being used.

In 2016 A Georgetown University Law School study raised similar concerns and noted that nearly half of all adults have been entered into a law enforcement facial recognition database.

In 2017 Shelli Weisberg, legislative director of the American Civil Liberties Union tested the Michigan system saying, It’s shocking how inaccurate it is. “When MSP [Michigan State Police] showed me their program, they put my face in and brought up a number of false positives. Falsely identifying people as criminal suspects could lead to a host of other potential issues.”

Weisberg said, “The programs seem to have a population bias,” she said. “I think the bias comes because you have more white faces to use as the models for perfecting the technology.

In 2019 two new reports by the Georgetown Law Center on Privacy & Technology say facial recognition has been deployed irresponsibly by the police, and conjures images of a futuristic surveillance state in Detroit and Chicago. Clare Garvie, an author of both reports, believes that a moratorium on facial recognition is necessary, given the lack of regulation around the technology. “There is a fundamental absence of transparency around when and how police use face recognition technology,” Ms. Garvie said. “The risks of misidentification are substantial.”

Researchers at Georgetown Law’s Center on Privacy & Technology say they’re alarmed by Detroit’s extensive surveillance system and facial recognition software, saying the network “risks fundamentally changing the nature of our public spaces.”

Last week, the Detroit Digital Justice Coalition released its report. Tawana Petty, one of the authors said, “The Detroit Digital Justice Coalition (DDJC) through its coalition member Detroit Community Technology Project (DCTP), has joined the growing number of fellow Detroiter concerned or opposed to the controversial expansion of Project Green Light and related facial recognition technologies. It is on this basis that we release our report, “A Critical Summary of Detroit’s Project Green Light and its Greater Context.”

Surveillance technology is big business and powerful interests are telling us this will make us safe. But researchers consistently point out there is no basis for these claims. The sample size is too small, the time frame too short. “Violent crimes have been declining in many cities across the country” and “without rigorous evaluations that use comparison groups, it is difficult to attribute the decline in any city to a specific program or policy,” said researcher Bryce Peterson of the Urban Institute who concluded, “I have not seen any direct evidence of its effectiveness. It’s only anecdotal information that we’ve heard from sources with a vested interest in it.”

We need to tell the Police Commissioners and the City Council to stop facial recognition and eliminate Project Green Light.

Shea Howell is a community-based activist in Detroit where she has lived for more than four decades. She works with the Boggs Center to Nurture Community Leadership, Detroiters Resisting Emergency Management and Detroit Independent Freedom School Movement. She writes a weekly column, Thinking for Ourselves, is a professor of communication, and a member of the Riverwise editorial team.
“...Why Is Project Green Light Controversial?"

The idea that public surveillance equates to public safety has led local governments to make problematic decisions that facilitate an outcome that is either ineffective or unsafe. Such policies, such as predictive policing, may disproportionately affect marginalized peoples (undocumented, formerly incarcerated, unhoused, poor, etc) and minority (black, latinx, etc.) populations.

Controversial Effectiveness

Areas in Detroit and other cities that are inundated with poverty due to decades of divestment are subject to higher crime rates. While mass surveillance and more militarized policing may be the route that certain municipalities may be going in—despite evidence contradicting its efficacy—it has been argued that reinvestment into the community that does not displace or further marginalize residents (through housing, education, affordable water, etc.) would actually be effective in reducing crime and improving public safety. This is supported by research that has shown that crime rates increase when public welfare is unable to support individuals.

Although many public agencies frequently discuss the benefits of programs such as PGL (Project Green Light), past studies have shown that the actual results of these programs vary widely. Other closed-circuit surveillance projects, which are not a direct analog for PGL, have seen mixed impact. In neighborhoods in Chicago, Baltimore, and Newark, for example, some areas saw substantial reductions in crime while others did not.

Another thing to think about regarding PGL is that even if a positive effect could be proven, it would be diminished upon an increase in scale. The Memorandum of Understanding (MOU) PGL partners sign with the City states that DPD is not obliged to monitor the cameras at all times. Rapid expansion of the program may lead to even less camera monitoring as resources become too strained. This is especially the case if the program grows too quickly—and the department has acknowledged this. Researchers at the Urban Institute agree that such a scenario could become quickly problematic, stating that it’s quite easy to “get everybody to the point where it’s so saturated that it becomes ineffective for everybody.” That is, even if PGL could be proven to be an effective deterrent for crime, it will likely lose its effectiveness if it is believed that the cameras are not being monitored.

Additionally, costs will increase to sustain a larger program. As costs increase, it may be worth questioning if the costs of reactionary policies like massive surveillance are as effective in reducing crime as spending similarly large quantities on preventative policies such as increases in public goods.”

The Detroit Community Technology Project’s (DCTP) mission is to use and develop technology rooted in community needs that strengthens human connections to each other and the planet. Rooted in the Detroit Digital Justice Principles, they work towards demystifying technology and expanding digital literacy in our communities. DCTP also offers technical support to various grassroots networks including the Detroit Digital Justice Coalition, the Allied Media Conference, New America Foundation, and transnational groups interested in fostering community technology.
Project Green Light
Is this what safety looks like?

Collaboration between Detroit Community Technology Project, Data Driven Detroit, & EXTENTS
Police Surveillance Pushes Legal System Limits

INTERVIEW WITH ERIC WILLIAMS OF THE DETROIT JUSTICE CENTER

JUNE 27, 2019

The June 13 Detroit Police Commissioners meeting at St. John’s Lutheran Church inspired a robust debate around the expanded use of surveillance by Detroit Police. During the public comment portion of the meeting attendees were overwhelmingly skeptical of the plan to increase camera surveillance and incorporate facial recognition technology. Several people provided thoughtful, researched opposition. In his allotted two minutes, attorney Eric Williams of the Detroit Justice Center contextualized some of the legal dilemmas inherent in the Project Green Light program. Riverrise offered Williams the opportunity to expand on his comments and we’re pleased to say that he accepted.

What follows are excerpts from a June 27 interview conducted by Eric T. Campbell at the Detroit Justice Center. The interview began with Williams addressing the lack of public oversight of police surveillance policies and the lack of effort by officials to notify residents of possible policy changes.

“You can’t even begin to discuss the problems with the policy without discussing the fact that the public has played essentially no role in developing this policy.

It is absurd to think that we are going to allow the police to set the parameters for privacy. That’s not the way we are supposed to do things in this country. Law enforcement in general has always shown that they are willing to push the boundaries. The amount of legislation at every level, from local, state and federal to address the overreach of law enforcement would fill libraries.

So it’s absurd to think that this new technology is going to be immune from that problem, right off the bat. And so the lack of transparency—the fact that there is a police commissioner meeting on a policy that the public hasn’t seen, hasn’t really had an opportunity to have their input considered—is ludicrous. That’s the first part.

There’s a greater problem that everyone else seems to be more aware of than we are in Detroit, and that is, this is an instance where the technology has gotten ahead of society’s ability to deal with it. It has gotten ahead of, in particular, the legal system’s ability to deal with it. And it happens every time there is a leap, anytime the police or law enforcement come up with a new technology. They inevitably use it in a way that prompts our judiciary to pull them back, whether we’re talking about DNA or whether we’re talking about mobile surveillance—time and time again the courts are playing catch-up.”

We’ve heard DPD spokespersons talk about the benevolent nature of the technology involved when expanding the capacity to surveil citizens. Recent reports seem to tell a different story. What is your assessment of the software development behind the cameras and its tendency toward racial bias?

“What we’re dealing with here, when you’re talking about facial recognition technology, is more than simply the ability to compare faces with a database. Most people recognize that they’re under surveillance during the course of the day at some point. It’s acceptable to most people because they believe, generally speaking, and they’re right about this, there aren’t the resources to review every bit of footage to see what every person is doing. That is no longer true. Artificial intelligence has progressed to the point where you are now able to examine footage—real time, in fact—and, not only identify persons in the footage, but see what they are doing—we’ve gotten to that point. So this is an example where people really aren’t paying attention to what changes the game. And this instance, it’s not just the HD cameras, it’s the artificial intelligence behind this that allows them to examine it. It’s kind of like when people say, oh everybody has a camera, it kind of changes the game, as far as, for example, police misconduct. No, it didn’t. It wasn’t just the camera. It was the availability of fast and cheap bandwidth that actually changed the game. Because the stuff could be live-streamed and disseminated in a way that it couldn’t even if you had a Super 8 videotaping it before.

So in this instance we are talking about a difference that is orders of magnitude. It is the ability, not just to look at an individual, but to look at every individual all the time—that is what should worry us. Now, DPD says, oh, our directive says we are not going to do that. This is a police department that was under a consent decree for a decade. They don’t have a good track record. Chief Craig in particular has been blatantly dishonest when it comes to describing DPD surveillance programs. There’s no other way to put it. I come from a law enforcement family. I grew up with...my father was a cop. I grew up around cop’s kids. I grew up in that environment, and it pains me to say—he has absolutely no credibility. He has lied. It is difficult to tell what is coming out of his mouth that is actually true.... He sat there one time and said “I wouldn’t call Green Light a surveillance program”. Really? I really don’t know what else you would call it.

So these are the problems, generally, with surveillance. That’s the problem with how Detroit has handled the whole idea of creating a surveillance framework. And then you break down the specific issues that there are with how its being implemented here: Generally speaking, you are going to be using technology to reinforce every existing bias in our judicial system. Communities of color are already over-policed. The number of Black and brown, men in particular, who have their face in a
There seems to be a segment of the population who aren’t swayed by the constitutional or civil rights ramifications, or by the loss of privacy to a government agency. What do you say to folks, many of them witnesses to violent crimes or victims themselves, who insist that their security is increased the more cameras we have deployed?

“He (Chief Craig) said today, live-streaming, I bet we could talk to every single victim of a crime and they would want this technology. I’m sure they also want real response times, punishment for abusive police officers, community policing. I mean, there’s a whole lot of things I’m sure they want, and you seem sort of indifferent to those things. And the truth is, none of this would actually have prevented any of the crimes that we’re talking about anyway. Green Light Project hasn’t prevented any crimes. We haven’t stopped anyone in progress from committing a crime. And all sorts of studies show—and DPD even acknowledges this—that cameras don’t prevent or deter crime. So the way they are saying how they’re going to use it, the very limited way, is almost a negligible benefit. But it presents a real threat to communities of color in general and poor people with unpopular opinions in particular. So I guarantee you that you are going to see increased surveillance of whoever happens to be a political opponent of any Mayor at a given time. You think there’s not going to be more surveillance or you won’t see more surveillance cameras around, let’s say, union halls, or around Islamic congregations... the list of places where you don’t necessarily want the police to be able to identify every single person who walks in and out, you know, gay clubs, everything you want to talk about, every potential bad thing that our justice system could do, we’re just reinforcing it here. we don’t have the legal infrastructure in place to put a check on it yet. So why are we rushing?

I live in Detroit, I’ve lost people too. So that doesn’t move me, in the sense that, I’m part of the people we’re talking about. Tiane Brown, my research assistant when I taught at Wayne, a place with tons of cameras on it, was murdered. It’s been three or four years now, and DPD said, we have a technology to identify criminals but it’s more likely to identify white women, I don’t think we’d roll it out. I think you would hear people clamoring all over the place. Chief Craig is so dismissive of this concern, it’s really worrying.”

There should be, but there’s not. In fact I’ve had a number of interviews with media and I’ve tried to bring that up and they’re like no, we want to focus on the other part. But, yes, that’s exactly the conversation we should be having, and it’s not just a conversation that relates to surveillance. It relates to the $500 million we’re spending on new prison facilities, when so many of the people who are locked up are there simply because they are unable to pay bail. You would think this is part of the discussion about the perverse belief that we can incarcerate ourselves out of crime, that we can fix this problem through incarceration. We can’t and we shouldn’t be trying. It’s a very hard conversation to get people to have because it requires rethinking your entire concept of justice. And I have to say this, Black folks, we don’t even recognize how messed up our own perception is sometimes. We’re like, oh, yeah, that brothas’ needs to be in jail; it’s like it is a given that we should be punished and locked away for a bad deed. It’s almost regardless of the severity. You never hear people saying things like, oh, you’re gonna’ ruin this Black man’s life. But you hear that about white kids—there’s always the assumption that they are going to be of value no matter what they’ve done. So that needs to be how we think about everybody. People are of value and we should never normalize locking a human being in a cage. And the fact that we can do this more efficiently is not something we should be proud of as a people, as a country.”
The first thing you have to recognize is our Detroit police commission as currently constituted is not a democratic body; the majority of its members were not elected. So you can only expect limited responsiveness to the public, at the best of times. This program currently has the support of the Mayor, who has the support of the Chief of Police, and regardless of the program’s effectiveness or ethics, they’re determined to implement it. I really try to understand why—why they’re in such a rush to implement something that has been shown not to work. It’s the same thing with Project Green Light—there was this rapid expansion of a program with absolutely no data supporting it. I don’t mind the fail fast approach: we’re gonna’ try something out there, and if it doesn’t work, you move on. But you have to be honest about when it doesn’t work. With Project Green Light, which is a surveillance program, or at least surveillance is a component of it, there’s no evidence whatsoever that the camera portion of it reduces crime, deters crime, or even helps with getting convictions.”

How do we know it’s not working? What’s the measure for the success of the Green Light Program? Or, put another way, how do we measure crime that’s not happening?

“That’s actually really easy when you think about it. There are now over 500 Project Green Light locations. So early on when there were like eight sites, they said there was a 50% decrease over a year, in those specific locations. At that point there are eight locations. That means there are probably 32 cameras, because they assign four cameras per location. Also, another component is prioritization of 911 calls, and you have an officer coming through more often.

So these early numbers were from a very small sample where the police were able to assign a lot of resources to monitor them. As it has expanded to 500 sites, clearly that same type of thing isn’t happening. And how you would test this is you would do this: you would not only look at Green Light locations over the year and the changes in crime, adjust it for the city’s overall change in crime— I mean crime in general has been going down in Detroit. But you would look at it year after year in individual places, factoring in the general decrease in crime, and you would also look at non-Green Light sites in the same areas as Green Light sites.

We actually had some folks do this—and it wasn’t terribly robust, because we only looked at a limited amount of sites where we had the information—but there was no correlation. I mean there were instances where, year over year, you’d see an increase at the Green Light site and a decrease in the non-Green Light site; other places where you saw Green Light decrease and non-Green Light.... I mean, there isn’t any evidence. Chief Craig said over a year ago that DPD had received a grant to have the state of Michigan review the data from Project Green Light. We’re still waiting for the results. Because if Project Green Light cameras work, where’s the evidence?

The biggest threat to Democracy is having Democracy threatened and people begin to think that, that status quo is normal. Once you start believing that the way things are is just the way they’ve always been and the way they ought to be, you lose the ability to be indignant about what’s happening.”

Eric Williams is a senior staff attorney in the Detroit Justice Center’s Economic Equity Practice. A native Detroiter, Eric is a transactional attorney with an emphasis on the legal needs of Detroit’s entrepreneurs, small businesses, and nonprofits.

Statement from Kenneth Reed
(Detroit Coalition Against Police Brutality)

“The issue of facial recognition technology has been discussed at length for the past month. I haven’t said much about it until now. As the spokesman for the Detroit Coalition Against Police Brutality (DCAPB) I have to weigh in on the issue. For the record, we at (DCAPB) are against the use of facial recognition in any form. Be it in the use of “Still Photos” or in “Real Time Surveillance.” The contract procurement process was extremely messy. How in the world could the Detroit City Council approve the contract to Data Works for this purpose in 2017, and there was no policy regarding its use, there was no public input in the form of Public Hearings, and no input from the Detroit Board of Police Commissioners? Can we trust any elected official pertaining to this issue moving forward? I would argue no. I see certain Councilmembers coming on Facebook trying to explain themselves, or taking positions, but that is 2 years too late. You can’t just do what’s politically expedient. Where was this righteous indignation 24 months ago? Again too little too late. This has occurred only because the community has turned up the heat. Now we are at the stage of the game where we all have to pick a side. You can’t be going down to police headquarters to meet with the chief, and stand with him in press conferences, and all of that crap. Chief Craig has clearly shown all of us what he thinks of the community, and he has done that from the beginning in 2013. When you meet with him, you’re actually meeting with the Livonia Mike, because they are one and the same. No more fence straddling. If you’re with these guys pick your side and be with them, no hard feelings, but the optics look terrible. Chris White and I have always felt that you let your adversary know where you stand, not pal around with them when it’s convenient for you. Again, our organization’s position on facial recognition technology is simple. We are against it in any form, and it should be banned immediately, for many reasons, most notably the technology is flawed with failure rates up to 90%...Stay strong in the fight comrades, we are winning!!”

For more than 20 years, the Detroit Coalition Against Police Brutality (DCAPB) has been at the forefront of challenging police militarization and the institutional violence of law enforcement. The DCAPB parallel organization, Peace Zones 4 Life, is addressing the challenge of interpersonal violence. Peace Zones 4 Life seeks to reach and train citizens in peer mediation, conflict resolution, and restorative justice. This non-profit was established so that citizens can intervene and resolve problems before law enforcement has to get involved.
Green Chairs Not Green Lights: Building Community From Our Front Porches

BY MYRTLE THOMPSON-CURTIS

What is known about the history of the green chairs starts in Milwaukee, WI about 1980. A group of young African Americans wanted to engage neighborhood residents as a way of increasing safety and community. Young people remembered how elders would sit on the front porch and keep an eye on them when they were small. These watchful eyes gave them a sense of safety, of being cared for and looked out for by the community. When these youth grew into adulthood, they noticed that no one sat on their porches anymore. Instead people were putting bars on their doors and windows, fearing one another. In response to this, the young people began to ask how could they restore a sense of community? This was the beginning of using green chairs as a means for neighborhood solidarity and security. It reminds me of the Sankofa principle of returning to reclaim something that has been forgotten.

In the early 2000s, activist Shea Howell, as part of the Michigan Roundtable, used a version of the Green Chair concept to help with racial tensions in St. Clair Shores. White elders were becoming upset as they saw lots of young African Americans walking in the neighborhood, on their way to and from high school. The Michigan Roundtable organized a student diversity club and when they heard about the Green Chairs in Milwaukee, they decided to adopt the strategy. The kids were given Adirondack kits by a local hardware store that they could assemble and paint. The young people went door to door in the neighborhood, offering green chairs to the neighbors if they would agree to sit on the porch during the time kids walked to and from school. They explained to neighbors that they thought this would increase safety and protection for everyone. The elders and the kids created a really good connection. By distributing and using the green chairs they found ways to restore community ties; tensions were replaced with the relationships and concerns for one another in the process of building.

On July 4, Feedom Freedom Growers were part of the JB 100 celebration and FoxCreek Artscape dedication in the Jefferson-Chalmers neighborhood on Detroit’s lower east side. As part of the day-long festivities, Peace Zones for Life proclaimed the Freedom Freedom space as an official Peace Zone. There was a long history of the two organizations working together to de-escalate potentially violent situations between neighbors and/or police and citizens. I wanted to create a way of visually showing unity and safety in the Manistique neighborhood and to call attention to the controversial Green Light Project that spreads across the city. Our saying is ‘Green Chairs not Green Lights’. So I found some green chairs for a great price and presented them to the neighbors that came to the celebration. Sometimes it is really difficult to get busy neighbors to show up for events. So it was an honor to have them in attendance and to gift them with the green chairs to further the work of bonding as neighbors and to be the eyes and ears for each other. As I presented the chairs, I spoke of creating an alternative to the DPD “green light” and other surveillance techniques that profile our black and brown community members in the name of keeping us safe. I framed the conversa-
tation around personal accountability and revolutionary love for self and others, with each of us being responsible as our first line of defense. Let us sit on the porches in our green chairs and look out for one another.

After the day was done, I received a call from a younger member of Freedom Freedom Growers and her friend, a fellow organizer, who was present at the JB100 Artscape dedication event. They explained that they were inspired by the “green chair” action and wanted me to present it at a gathering of residents in the nearby Morningside neighborhood. The Morningside residents are a committed group of eastside neighbors. They are busy creating play areas out of abandoned parks, as well as other initiatives that will make the neighborhood attractive and safe. I met neighbors that were seniors and youngsters. It was a beautiful intergenerational mix of folks, all mingling together and talking about solutions to challenges in their neighborhood. Creativity was at the core.

With the green chair action, the chair is not just a seat—it is the frame of mind of the individual in the chair that makes a difference in each community. A commitment to community safety and the willingness to get involved makes the difference. Even if your porch is small and your chair is not green you can still be a green chair activist in your area, getting to know your neighbors, the children in the neighborhood and wanting for them what you want for yourself. Let’s create and be the leaders we want our children to see. Who doesn’t want to feel cared for, watched over, and protected?

The green chairs fit into this framework by being a symbol of restoring the neighbor back to the hood. It can be done in our leisure time or it can be structured to fit certain hours when you can be really beneficial to your specific community. A couple of green chairs with solar nightlights and we are on our way to creating alternatives to relying on the police. They are not showing up in a timely manner and more often than not escalate situations in our black and brown neighborhoods. We can do better with one another.

Excerpted from May 2019 Georgetown Law Center On Privacy and Technology report, "America Under Watch: Face Surveillance In the United States", authored by Clare Garvie and Laura M. Moy

"... SURVEILLANCE RISKS NOT MITIGATED BY EXISTING RESTRICTIONS

The way in which Detroit’s face surveillance system is set up poses risks that may not be adequately mitigated by the existing policy that governs its use. The policy recognizes some of the risks that face recognition technology poses. The policy states, for example, that officers and agencies using the system:

“...will not violate First, Fourth, and Fourteenth Amendments and will not perform or request face recognition searches about individuals or organizations based solely on their religious, political, or social views or activities; their participation in particular noncriminal organization or lawful event; or their races, ethnicities, citizenship, places of origin, ages, disabilities, genders, gender identities, sexual orientations, or other classification protected by law.”

However, because of its pairing with Project Green Light, DPD’s face surveillance system runs the risk of doing just that.

Project Green Light Partners are still predominantly gas stations, liquor stores, and other late-night businesses. But an increasing number of community centers and support services are also part of the city’s growing camera network. As of April 2019, Project Green Light partners included 11 churches, 12 stand-alone pharmacies, eight schools, and at least 15 clinics—providing addiction treatment, reproductive health and family planning services, counseling, and youth-specific care to Detroit’s residents. More than 30 residential locations—including apartment buildings, senior living centers, and hotels are also current partners. Other churches, schools, and support centers are not part of Project Green Light but are immediately adjacent to partner businesses and potentially within range of their neighbors’ cameras.

Attending many of these locations reveals deeply personal information about a resident’s “religious, political, or social views or activities” or “participation in particular noncriminal organization or lawful event. While these activities may occur in public, most of us do not expect to be sharing our attendance at a church service or an addiction treatment center with law enforcement. We do not have to be hiding illegal activity to desire privacy in a choice to worship, seek counseling or treatment, or obtain an abortion or other medical service.

Without restrictions on where face surveillance is deployed, the Project Green Light system may inadvertently violate the very policy established to protect residents against its potential harms. The goal of these surveillance cameras is to make Detroit’s residents feel safe going about their daily lives. Adding face surveillance to these cameras risks doing the opposite.

DESpite ASSURANCES, A SYSTEM OBSCURED FROM PUBLIC VIEW

As of publication of this report—almost two years after Detroit purchased a real-time citywide face surveillance system—the system has never received the public scrutiny it deserves. This is in spite of the fact that around the time of purchase, DPD Assistant Chief James White dismissed any suggestion that face surveillance would be obscured from the public. “This isn’t some super-secret piece of technology,” he stated.

But the website dedicated to providing the public with information about Project Green Light Detroit fails to mention the use of face recognition, real-time face surveillance, or any kind of automated face analysis technology even once.

Even the partner locations appear unaware that they may be contributing to a massive face surveillance program. None of the information provided to prospective partners informs them of the fact that face surveillance is part of Project Green Light, and may be used on their camera feeds. Neither the partnership agreements that locations are required to sign nor the application to participate mention the use of real-time face surveillance. And while the locations of all Project Green Light partner businesses are public, there is no available information about which cameras are face surveillance-enabled.

In light of the sensitive nature of many of the camera locations, this is a critical omission. A clinic like Summit Medical Center may see a real benefit from participating in a program that deters crime and ensures rapid police response to any incidents at its business. But when making the decision to enter this partnership, the center deserved to be aware that the cameras may also be capable of identifying its patients...."
Resources for Police Surveillance / Facial Recognition Research

1. www.americaunderwatch.com
2. www.flawedfacedata.com
3. Bipartisan resistance to violations of our 4th and 14th amendment rights! This is what democracy looks like: https://bit.ly/2Mk1KEd
4. State Senators Stephanie Chang and Peter Lucido introduce bipartisan legislation to prohibit such technology from being used by Michigan law enforcement personnel in real time. https://bit.ly/316cTFj
5. Share Your Voice: Next BOPC community meeting is August 8, 2019 at 6:30 p.m in the 5th Precinct, at the Samaritan Center, 5555 Connor, Carolyn Cheeks-Kilpatrick Room
7. Pass Senate Bill 342 (SB342) and House Bill 4810 (HB4810), and protect the right to privacy for people in Michigan: https://bit.ly/2Gyv2uW
11. https://www.perpetuallineup.org/
12. No Biometric Barriers to Housing Act: bit.ly/NoBiometricBarriersToHousingAct
13. bit.ly/CivilRightsCoalitionOpposesFacialRecognition
14. BYP100 Detroit Chapter: https://byp100.org/detroit-chapter/
15. Detroit Justice Center: https://www.detroitjustice.org/
Keep The Riverwise Current Moving!

We’ve made it to our tenth issue of Riverwise, our tenth attempt to catalog grassroots organizing towards self-determination. Our beloved community of Detroit activists continue the hard work of building a new society rooted in value-based politics rather than material-based economics. Please join us as we continue our work of documenting that critical journey.

Ten Ways To Make It Beyond Issue 10!!

DONATE.
Employ the donate button at riverwisedetroit.org.
Every $1 prints one issue.

DISPLAY.
You can purchase posters of Riverwise covers at riverwisedetroit.org.

WRITE.
Attend a Riverwise Writing Workshop
(for more info email: lexdowntherabbithole@gmail.com)

DISTRIBUTE.
Ask a business or community space in your neighborhood to carry Riverwise magazine.

SHOW.
Take an Instagram pic with your favorite issue (post and tag us please) and we’ll share it.

SUBSCRIBE.
Fill out the envelope in the center of this issue and you can join the family of subscribers and receive a copy in the mail.

ORGANIZE.
Host a small fundraiser or community conversation.

SUBMIT.
We need articles, photos, poems, letters or original artwork. Help us find stories that are transforming our institutions, our communities and ourselves. Remember, what makes this magazine valuable is your voice!

TEACH.
Tell us how you use Riverwise in your classroom organization.

SHARE.
Share a Riverwise Facebook post.