Wrongfully Accused by an Algorithm

In what may be the first known case of its kind, a faulty facial recognition match led to a Michigan man's arrest for a crime he did not commit.

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Note: In response to this article, the Wayne County prosecutor’s office said that Robert Julian-Borchak Williams could have the case and his fingerprint data expunged. “We apologize,” the prosecutor, Kym L. Worthy, said in a statement, adding, “This does not in any way make up for the hours that Mr. Williams spent in jail.”

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On a Thursday afternoon in January, Robert Julian-Borchak Williams was in his office at an automotive supply company when he got a call from the Detroit Police Department telling him to come to the station to be arrested. He thought at first that it was a prank.

An hour later, when he pulled into his driveway in a quiet subdivision in Farmington Hills, Mich., a police car pulled up behind, blocking him in. Two officers got out and handcuffed Mr. Williams on his front lawn, in front of his wife and two young daughters, who were distraught. The police wouldn’t say why he was being arrested, only showing him a piece of paper with his photo and the words “felony warrant” and “larceny.”

His wife, Melissa, asked where he was being taken. “Google it,” she recalls an officer replying.

The police drove Mr. Williams to a detention center. He had his mug shot, fingerprints and DNA taken, and was held overnight. Around noon on Friday,

two detectives took him to an interrogation room and placed three pieces of paper on the table, face down.

“When’s the last time you went to a Shinola store?” one of the detectives asked, in Mr. Williams’s recollection. Shinola is an upscale boutique that sells watches, bicycles and leather goods in the trendy Midtown neighborhood of Detroit. Mr. Williams said he and his wife had checked it out when the store first opened in 2014.

The detective turned over the first piece of paper. It was a still image from a surveillance video, showing a heavyset man, dressed in black and wearing a red St. Louis Cardinals cap, standing in front of a watch display. Five timepieces, worth $3,800, were shoplifted.

“Is this you?” asked the detective.

The second piece of paper was a close-up. The photo was blurry, but it was clearly not Mr. Williams. He picked up the image and held it next to his face.

“No, this is not me,” Mr. Williams said. “You think all black men look alike?”

Mr. Williams knew that he had not committed the crime in question. What he could not have known, as he sat in the interrogation room, is that his case may be the first known account of an American being wrongfully arrested based on a flawed match from a facial recognition algorithm, according to experts on technology and the law.

A faulty system

A nationwide debate is raging about racism in law enforcement. Across the country, millions are protesting not just the actions of individual officers, but bias in the systems used to surveil communities and identify people for prosecution.

Facial recognition systems have been used by police forces for more than

two decades. Recent studies by M.I.T. and the National Institute of Standards and Technology, or NIST, have found that while the technology works relatively well on white men, the results are less accurate for other demographics, in part because of a lack of diversity in the images used to develop the underlying databases.

Last year, during a public hearing about the use of facial recognition in Detroit, an assistant police chief was among those who raised concerns. "On the question of false positives — that is absolutely factual, and it's well-documented," James White said. "So that concerns me as an African-American male."

This month, Amazon, Microsoft and IBM announced they would stop or pause their facial recognition offerings for law enforcement. The gestures were largely symbolic, given that the companies are not big players in the industry. The technology police departments use is supplied by companies that aren't household names, such as Vigilant Solutions, Cognitec, NEC, Rank One Computing and Clearview AI.

Clare Garvie, a lawyer at Georgetown University's Center on Privacy and Technology, has written about problems with the government's use of facial recognition. She argues that low-quality search images — such as a still image from a grainy surveillance video — should be banned, and that the systems currently in use should be tested rigorously for accuracy and bias.

"There are mediocre algorithms and there are good ones, and law enforcement should only buy the good ones," Ms. Garvie said.

About Mr. Williams's experience in Michigan, she added: "I strongly suspect this is not the first case to misidentify someone to arrest them for a crime they didn't commit. This is just the first time we know about it."

In October 2018, someone shoplifted five watches, worth $3,800, from a Shinola store in Detroit.Sylvia Jarrus for The New York Times

Mr. Williams's case combines flawed technology with poor police work, illustrating how facial recognition can go awry.

The Shinola shoplifting occurred in October 2018. Katherine Johnston, an investigator at Mackinac Partners, a loss prevention firm, reviewed the store's surveillance video and sent a copy to the Detroit police, according to their report.

Five months later, in March 2019, Jennifer Coulson, a digital image examiner for the Michigan State Police, uploaded a "probe image" — a still from the video, showing the man in the Cardinals cap — to the state's facial recognition database. The system would have mapped the man's face and searched for similar ones in a collection of 49 million photos.

The state's technology is supplied for $5.5 million by a company called DataWorks Plus. Founded in South Carolina in 2000, the company first

offered mug shot management software, said Todd Pastorini, a general manager. In 2005, the firm began to expand the product, adding face recognition tools developed by outside vendors.

When one of these subcontractors develops an algorithm for recognizing faces, DataWorks attempts to judge its effectiveness by running searches using low-quality images of individuals it knows are present in a system. "We've tested a lot of garbage out there," Mr. Pastorini said. These checks, he added, are not "scientific" — DataWorks does not formally measure the systems' accuracy or bias.

"We've become a pseudo-expert in the technology," Mr. Pastorini said.

In Michigan, the DataWorks software used by the state police incorporates components developed by the Japanese tech giant NEC and by Rank One Computing, based in Colorado, according to Mr. Pastorini and a state police spokeswoman. In 2019, algorithms from both companies were included in a federal study of over 100 facial recognition systems that found they were biased, falsely identifying African-American and Asian faces 10 times to 100 times more than Caucasian faces.

Rank One's chief executive, Brendan Klare, said the company had developed a new algorithm for NIST to review that "tightens the differences in accuracy between different demographic cohorts."

After Ms. Coulson, of the state police, ran her search of the probe image, the system would have provided a row of results generated by NEC and a row from Rank One, along with confidence scores. Mr. Williams's driver's license photo was among the matches. Ms. Coulson sent it to the Detroit police as an "Investigative Lead Report."

"This document is not a positive identification," the file says in bold capital letters at the top. "It is an investigative lead only and is not probable cause for arrest."

This is what technology providers and law enforcement always emphasize when defending facial recognition: It is only supposed to be a clue in the case, not a smoking gun. Before arresting Mr. Williams, investigators might have sought other evidence that he committed the theft, such as eyewitness testimony, location data from his phone or proof that he owned the clothing that the suspect was wearing.

In this case, however, according to the Detroit police report, investigators simply included Mr. Williams's picture in a "6-pack photo lineup" they created and showed to Ms. Johnston, Shinola's loss-prevention contractor, and she identified him. (Ms. Johnston declined to comment.)

'I guess the computer got it wrong'

The Detroit Detention Center. Mr. Williams was held for 30 hours.Sylvia Jarrus for The New York Times

Mr. Pastorini was taken aback when the process was described to him. "It sounds thin all the way around," he said.

Mr. Klare, of Rank One, found fault with Ms. Johnston's role in the process. "I am not sure if this qualifies them as an eyewitness, or gives their experience any more weight than other persons who may have viewed that same video after the fact," he said. John Wise, a spokesman for NEC, said: "A match using facial recognition alone is not a means for positive identification."

The Friday that Mr. Williams sat in a Detroit police interrogation room was the day before his 42nd birthday. That morning, his wife emailed his boss to say he would miss work because of a family emergency; it broke his four-year record of perfect attendance.

In Mr. Williams's recollection, after he held the surveillance video still next to his face, the two detectives leaned back in their chairs and looked at one another. One detective, seeming chagrined, said to his partner: "I guess the computer got it wrong."

They turned over a third piece of paper, which was another photo of the man from the Shinola store next to Mr. Williams's driver's license. Mr. Williams again pointed out that they were not the same person.

Mr. Williams asked if he was free to go. "Unfortunately not," one detective said.

Mr. Williams was kept in custody until that evening, 30 hours after being arrested, and released on a $1,000 personal bond. He waited outside in the rain for 30 minutes until his wife could pick him up. When he got home at 10 p.m., his five-year-old daughter was still awake. She said she was waiting for him because he had said, while being arrested, that he'd be right back.

She has since taken to playing "cops and robbers" and accuses her father of stealing things, insisting on "locking him up" in the living room.

Mr. Williams with his wife, Melissa, and their daughters at home in Farmington Hills, Mich.Sylvia Jarrus for The New York Times

The Williams family contacted defense attorneys, most of whom, they said, assumed Mr. Williams was guilty of the crime and quoted prices of around $7,000 to represent him. Ms. Williams, a real estate marketing director and food blogger, also tweeted at the American Civil Liberties Union of Michigan, which took an immediate interest.

"We've been active in trying to sound the alarm bells around facial recognition, both as a threat to privacy when it works and a racist threat to everyone when it doesn't," said Phil Mayor, an attorney at the organization. "We know these stories are out there, but they're hard to hear about because people don't usually realize they've been the victim of a bad facial recognition search."

Two weeks after his arrest, Mr. Williams took a vacation day to appear in a Wayne County court for an arraignment. When the case was called, the prosecutor moved to dismiss, but "without prejudice," meaning Mr. Williams

could later be charged again.

Maria Miller, a spokeswoman for the prosecutor, said a second witness had been at the store in 2018 when the shoplifting occurred, but had not been asked to look at a photo lineup. If the individual makes an identification in the future, she said, the office will decide whether to issue charges.

A Detroit police spokeswoman, Nicole Kirkwood, said that for now, the department "accepted the prosecutor's decision to dismiss the case." She also said that the department updated its facial recognition policy in July 2019 so that it is only used to investigate violent crimes.

The department, she said in another statement, "does not make arrests based solely on facial recognition. The investigator reviewed video, interviewed witnesses, conducted a photo lineup."

On Wednesday, the A.C.L.U. of Michigan filed a complaint with the city, asking for an absolute dismissal of the case, an apology and the removal of Mr. Williams's information from Detroit's criminal databases.

The Detroit Police Department "should stop using facial recognition technology as an investigatory tool," Mr. Mayor wrote in the complaint, adding, "as the facts of Mr. Williams's case prove both that the technology is flawed and that DPD investigators are not competent in making use of such technology."

Mr. Williams's lawyer, Victoria Burton-Harris, said that her client is "lucky," despite what he went through.

"He is alive," Ms. Burton-Harris said. "He is a very large man. My experience has been, as a defense attorney, when officers interact with very large men, very large black men, they immediately act out of fear. They don't know how to de-escalate a situation."

'It was humiliating'

Mr. Williams and his wife have not talked to their neighbors about what happened. They wonder whether they need to put their daughters into therapy. Mr. Williams's boss advised him not to tell anyone at work.

"My mother doesn't know about it. It's not something I'm proud of," Mr. Williams said. "It's humiliating."

He has since figured out what he was doing the evening the shoplifting occurred. He was driving home from work, and had posted a video to his private Instagram because a song he loved came on — 1983's "We Are One," by Maze and Frankie Beverly. The lyrics go:

> *I can't understand*
>
> *Why we treat each other in this way*
>
> *Taking up time*
>
> *With the silly silly games we play*

He had an alibi, had the Detroit police checked for one.

Listen to 'The Daily': Wrongfully Accused by an Algorithm

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transcript

Hosted by Annie Brown, produced by Lynsea Garrison, Austin Mitchell and Daniel Guillemette, and edited by Lisa Tobin and Larissa Anderson

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michael barbaro

From The New York Times, I'm Michael Barbaro. This is "The Daily."

[music]

Today: Facial recognition is becoming an increasingly popular tool for solving crimes. The Daily's Annie Brown speaks to Kashmir Hill about how that software is not treating

everybody equally.

It's Monday, August 3.

kashmir hill

I'm just going the tape record with an app that I use. Do you guys have any questions or concerns before we start talking about what happened?

robert williams

No.

melissa williams

No.

annie brown

OK. So where do you think we should start the story of this case, Kashmir?

kashmir hill

The story started, for the Williams family, in January of 2020.

robert williams

Melissa got the call first. I got the call from her.

kashmir hill

It's a Thursday afternoon in Farmington Hills, Michigan, which is just outside of Detroit.

melissa williams

So I picked up Julia from school. Regular Thursday.

kashmir hill

And Melissa Williams, a realtor, is driving home from work. She's picking up her daughter.

melissa williams

And so it was right around, like, 4 o'clock. And I got a call.

kashmir hill

And she gets a call from somebody who says they're a police officer.

melissa williams

They immediately said, we're calling about Robert from an incident in 2018. He needs to turn himself in. So I was confused off the bat.

kashmir hill

She is white. And her husband, Robert Williams, is Black.

melissa williams

And they said, we assume you're his baby mama or that you're not together anymore. And —

kashmir hill

What?

melissa williams

Yeah. I said, that's my husband. And what is this regarding? And they said, we can't tell you. But he needs to come turn himself in. And I said, well, why didn't you call him? And they said, can't you just give him a message?

annie brown

Wait. So why is this officer calling her?

kashmir hill

She doesn't know why the officer is calling her. All she knows is that the police want to be in touch with her husband. So she gives the officer her husband's number. And then she calls Robert.

melissa williams

And I said, I just got a really weird call. I was like, what did you do? Like, what is this about?

kashmir hill

And while they're talking, Robert Williams gets a call from the police department.

robert williams

Of course, I answered the other line. And he said he was a detective from Detroit and that I need to come turn myself in. So of course I'm like, for what? And he's like, well, I can't tell you over the phone. So I'm like, well, I can't turn myself in then.

kashmir hill

It was a couple of days before his birthday. So he thought maybe it was a prank call. But it became pretty clear that the person was serious.

robert williams

About, uh, probably ten minutes later, I pull in the driveway.

kashmir hill

And when he pulls into his driveway, a police car pulls in behind him, blocking him in. And two officers get out.

robert williams

Yeah. So I get out of the car. And the driver, like, runs up. And he's like, are you Robert Williams? I'm like, yeah. He's like, you're under arrest. I'm like, no I'm not. And the guy comes up with, like, a white sheet of paper. And it's said "felony warrant" on the top, "larceny." And I'm confused, like, isn't larceny stealing?

kashmir hill

His wife comes out with his two young daughters. And his oldest daughter, who's 5, is watching this happen.

robert williams

I said, Juju (ph), go back in the house. I'll be back in a minute. They're just making a mistake. The guy, the other cop, is behind me with his handcuffs out already. So he's like, come on, man. You already — you know the drill. And I'm like, what?

kashmir hill

The officers arrest him. They have to use two pairs of handcuffs to get his hands behind his back, because he's a really big guy.

robert williams

We started moving seats around, trying to get me in the back of this little bitty Impala. And off we go.

kashmir hill

And then they drive to the detention center.

[music]

robert williams

I took fingerprints. I took —

kashmir hill

Your mug shot.

robert williams

Mug shot pictures.

kashmir hill

Then he's put in a cell to sleep overnight.

robert williams

At this point, I'm in a holding cell with two other guys. And they're like, what you in here for? And I'm like, I don't know.

kashmir hill

So when do you actually find out why you've been arrested, beyond this kind of vague larceny?

robert williams

Um, so — well, maybe like noon the next day.

kashmir hill

Around noon the next day, he is taken to an interrogation room. And there's two detectives there. And they have three pieces of paper face down in front of them. And they turn over the first sheet of paper. And it's a picture from a surveillance video of a large Black man standing in a store, wearing a red Cardinals cap and a black jacket. And the detectives ask, is this you?

robert williams

I laugh a little bit, and I say, no, that's not me. So then he turns over another paper.

kashmir hill

And they turn over a second piece of paper, which is just a close up of that same guy's face.

robert williams

And he says I guess that's not you either. And I said, no. This is not me.

kashmir hill

So Robert picks the piece of paper up, holds it next to his own face —

robert williams

I was like, what you think, all Black men look alike?

kashmir hill

— and says, do all Black men look the same to you?

annie brown

So what's your understanding, Kashmir, of what happened to bring Robert Williams into that police department?

kashmir hill

So Robert Williams had no idea what was happening. But two years earlier, in October 2018, a man who was not him walked into a Shinola store in downtown Detroit. And Shinola is kind of like a high-end store that sells expensive watches and bikes. So this man came in. He was there for a few minutes. He stole five watches worth $3,800 and walked out. None of the employees there actually saw the theft occur. And so they had to review the surveillance footage. And they found the moment it happened. So they sent that surveillance footage picture that Robert Williams had been shown to the Detroit police. And the police turned to what a lot of police turn to these days when they have a suspect that they don't recognize — a facial recognition system. So they ran a search on this, what they call a probe image, this picture for the surveillance video, which is really grainy. It's not a very good photo. And the way these systems work is that they have access not just to mug shots but also to driver's license photos. You get a bunch of different results. And there's a human involved who decides which of the results looks the most like the person who committed the crime.

annie brown

Mm. So you're saying the facial recognition algorithm basically created a lineup of potential

suspects. And then from that lineup, someone picks the person that they think looks the most like the man in the surveillance video.

kashmir hill

Right. And so that is how they wound up arresting Robert Williams.

[music]

So back in this room, the two detectives now have the real Robert Williams in front of them. And he doesn't look like this guy.

robert williams

You know, they sat back and looked at each other and was like, with the oops face, right? Says, so I guess the computer got it wrong too.

kashmir hill

And so they kind of leaned back and said, I guess the computer got it wrong.

robert williams

Well, the computer got it wrong is what threw me off. And I'm like, computer got it wrong?

annie brown

And what is the significance of that statement, "that the computer got it wrong"?

kashmir hill

So this was an admission by the detectives that it was a computer that had pointed the finger at Robert Williams. And that's significant, because this is the first documented case of an innocent person being arrested because of a flawed facial recognition match.

[music]

annie brown

And just to put all of this into context for a second, the last time that you and I talked, Kashmir, we were talking about a different development in facial recognition — this new algorithm being used by some police departments that drew from pictures all over social media and all over the internet to make a kind of super algorithm. But the fear wasn't that it wasn't accurate. It was almost that it was too accurate, that it knew too much. But what you're describing is something altogether different. Right?

kashmir hill

So when we talk about facial recognition, we often think of it as a monolith, that there's kind of one facial recognition. But in fact, there's a bunch of different companies that all have their own algorithms. And some work well. And some don't work well. And some work well sometimes. Like, identifying a really clear photo is a lot easier than identifying surveillance footage.

annie brown

And why wouldn't police departments be using the most sophisticated, the most kind of up-

to-date version of this software?

kashmir hill

I mean, this is where you run into just bureaucracy. Right? You have contracts with companies that go back years and just a lot of different vendors. And so in this case, I tried to figure out exactly whose algorithms were responsible for Robert Williams getting arrested. And I had to really dig down. And I discovered the police had no idea. You know, they contract out to a company called DataWorks Plus. And DataWorks Plus contracts out to two other companies called N.E.C. and Rank One that actually supply the algorithm. It's this whole chain of companies that are involved. And there is no standardized testing. There's no one really regulating this. There's just nobody saying which algorithms, you know, pass the test to be used by law enforcement. It's just up to police officers, who, for the most part, seem to be just testing it in the field to see if it works, if it's identifying the right people.

But the really big problem is that these systems have been proven to be biased.

[music]

michael barbaro

We'll be right back.

annie brown

So, Kashmir, help me understand how an algorithm can become biased.

kashmir hill

Well, the bias tends to come from how the algorithm is trained. And these algorithms tend to be trained by basically feeding them with a bunch of images of people. But the problem with the algorithms is that they tended to be trained with non-diverse data sets.

annie brown

Mm.

kashmir hill

So one good example is that many of the algorithms used by law enforcement in the U.S., by government in the U.S., are very good at recognizing white men and not as good at recognizing Black people or Asian-Americans. But if you go to an algorithm from a company in China, where they fed it with a lot of images of Asian people, they're really good at recognizing Asian people and not as good at recognizing white men. So you can just, you can see the biases that come in from the kind of data that we feed into these systems.

annie brown

And is this a widely agreed upon reality — that because of these methods, the algorithms used in the U.S. are just worse at identifying faces that aren't white men?

kashmir hill

Yeah. A few years ago, an M.I.T. researcher did this study and found that facial recognition algorithms were biased to be able to recognize white men better. And shortly after that, NIST, the National Institute of Standards and Technology, decide to run its own study on this. And it found the same thing. It looked at over 100 different algorithms. And it found that they

were biased. And actually, the two algorithms that were at the heart of this case — the Robert Williams's case — were in that study.

annie brown

So the algorithm that was used by this police department was actually studied by the federal government and was proven to be biased against faces like Robert Williams.

kashmir hill

Exactly.

annie brown

So given these widely-understood problems with these algorithms, how can police departments justify continuing to use them?

kashmir hill

So police departments are aware of the bias problem. But they feel that face recognition is just too valuable a tool in their tool set to solve crimes. And their defense is that they never arrest somebody based on facial recognition alone, that facial recognition is only what they call an investigative lead. It doesn't supply probable cause for arrest.

So what police are supposed to do is they get a facial recognition match, and you're supposed to do more investigating. So you could go to the person's social media account and see if there are other photos of them wearing the same clothes that they were wearing on the day they committed this crime. Or, you know, you can try to get proof that they were in that part of town on the day that the theft occurred. You know, try to get location data. Basically, find other evidence that this person is the person that committed the crime.

The detectives just went to the woman who had spotted the theft on the video and showed her a photo of six people — they call it a six pack. And she said Robert Williams looked the most like the person that was in the video.

annie brown

Mm. So they're supposed to use the facial recognition match as a kind of clue. And then the protocol calls for them to do more police work to verify it. But in this case, they basically just had someone watch the video and then identify Robert Williams as the one who looks most like the guy in the video.

kashmir hill

Yeah, they just did facial recognition a second time, but with a human who's not actually trained. And they didn't do any other investigating. Based on that, they went out and they arrested Mr. Williams.

annie brown

But if the police had done their job correctly — if they had looked into his social media accounts, if they had tried to get his location data from his phone records, essentially surveilling him more closely — wouldn't that be its own sort of violation? Just because their technology wrongfully identified this man, he gets more closely watched by the police without his knowledge.

kashmir hill

Right. And this is actually what police asked the facial recognition vendors to do. They want to have more, what you call false positives, because they want to have the greatest pool of possible suspects that they can, because they want to find the bad guy.

annie brown

Huh.

kashmir hill

But there's a real toll from that.

annie brown

Hmm.

kashmir hill

I just, you know, as a person who's been reporting on technology for a decade, I just think people trust computers. And even when we know something is flawed, if it's a computer telling us to do it, we just think it's right. And this is why we always used to see, for a long time, when mapping technology was first being developed and it wasn't that great, you know, people would drive into lakes. They would drive over cliffs, because a mapping app said, you're supposed to go straight here.

annie brown

Right.

kashmir hill

And even though they could look and see that their life is going to be in danger, they would think, well, this app must know what it's talking about. That's facial recognition now. And when I was reporting this story, all the experts I talked to said this is surely not the first case where somebody has been mistakenly — an innocent person has been mistakenly arrested because of a bad face recognition match. But usually people don't find out about it. Police don't tell people that they're there because of face recognition.

annie brown

Hmm.

kashmir hill

Usually, when they charge them, they'll just say they were identified through investigative means. It's kind of a vague, "There were clues that pointed at you." In that way, Robert's case was unusual, because there was so little evidence against him. They basically had to tell him that they used facial recognition, you know, to put him there.

annie brown

Right. They showed him what most people don't get to see, which is this false match between his photo and the photo of the crime.

kashmir hill

Right.

annie brown

And what's happened since Robert was arrested?

kashmir hill

So Robert had to hire a lawyer to defend himself. But when he went to the hearing, the prosecutor decided to drop the case. But they dropped it without prejudice, which meant that they could charge him again.

annie brown

For the same crime?

kashmir hill

With the same crime. So as I was reporting out the story, you know, I went to the prosecutor's office. I went to the Detroit Police Department. And I said, you know, what happened here? Did you have any other evidence? This just seems like a clear misfire and misuse of facial recognition. And everyone involved was pretty defensive and said, well, you know, there might be more evidence that proves that Robert Williams did it.

But after the story came out, everybody's tune changed dramatically. Prosecutors office apologized, said that Robert Williams shouldn't have spent any time in jail. The Detroit Police Department said this was a horrible investigation. The police officers involved just did this all wrong. This isn't how it's supposed to work. And they said that Robert Williams would have his information expunged from the system — his mug shot, his DNA. And they personally apologized to the Williams family, though the Williams family told me that no one ever actually called them to personally apologize.

annie brown

But he can no longer be charged in the future for this crime?

kashmir hill

That's exactly right.

annie brown

And what about their use of facial recognition software? Has there been any change there?

kashmir hill

So one thing the Detroit Police Department said was, well, this was a case that predates this new policy we have that says, you know, we're only supposed to be using facial recognition for violent crimes.

annie brown

Hmm. And what do you make of that? Why only use this tool for that?

kashmir hill

Well, their justification is that when it comes to violent crimes, when it comes to murder, you know, rape, they need to solve these cases. And they'll use any clue they can to do it,

including facial recognition. But I think about something that Robert's wife said.

melissa williams

When they pulled up to our house, they were already combative on the phone. They were aggressive in the doorway to me. What if he had been argumentative? If he'd been defensive, if he hadn't complied, you know, what could that have turned into in our yard? Like, it could have went a different way. And the recent news has shown us that it definitely could have went a different way.

[music]

kashmir hill

Do you feel like there's a shame to this, that the police arrested you even though you did nothing?

robert williams

It's a little humiliating. You know, it's not something that easily rolls off the tongue, like, oh yeah, and guess what? I got arrested.

[music]

annie brown

And what about for Robert himself? What has life been like for him after the arrest?

kashmir hill

So this was very embarrassing for him and kind of painful in some ways. So he had a perfect attendance at work until that day that he was arrested. And his wife had to email his boss and say that they had a family emergency and that he couldn't show up that day. Once he did tell his boss what happened, his boss said, you know, you don't want to tell other people at work. You know, it could be bad for you. The night he got home, his daughter — his 5-year-old was still awake.

robert williams

Julia was still up. And I was like, what are you doing up? And she was like, I'm waiting for you. And I was like, I told you I'll be right back. And she was like, you didn't come right back though. So I just kept telling her that they made a mistake. And it just took longer than we expected. But —

kashmir hill

She started wanting to play cops and robbers. And she would always pretend like he was the robber who stole something, and she would need to lock him up in the living room.

annie brown

Hmm.

melissa williams

Oh yeah. She told us that she told one of her — Jackson, her friend at school. And we weren't sure, did she tell her teacher? Did she tell her friends? We were not sure. And we didn't know what to say to people. Like, just bring it up out of nowhere, like, oh yeah, in case anyone mentioned it, he was arrested, but he didn't do anything.

kashmir hill

Has this made you look back to see where you — like, where you were October 2018?

robert williams

Yeah. I pulled it up. At the time, I was on my Facebook or on my Instagram Live.

kashmir hill

He has since looked back and realized that he had posted to Instagram at basically the same time as the shoplifting was occurring. He was driving home from work, and a song came on the radio that his mother loved: the song "We Are One" by Maze and Frankie Beverly.

robert williams

I was singing songs on my way home in the car.

annie brown

So if the cops had looked in to his social media, if they had tried to verify that it was possible that he could have committed this crime, they could have found this video.

kashmir hill

Right. If the police had done a real investigation, they would have found out he had an alibi that day.

archived recording

["WE ARE ONE" PLAYING]

annie brown

Kashmir, thank you so much.

kashmir hill

Thank you.

[music]

michael barbaro

We'll be right back.

Here's what else you need to know today. Federal unemployment benefits have expired for tens of millions of Americans after Congress failed to reach a deal to renew them last week.

archived recording

So what do you say to those 30 million Americans who are now without federal unemployment help?

archived recording (nancy pelosi)

I say to them, talk to President Trump. He's the one who is standing in the way of that. We have been for the $600. They have a $200 proposal, which does not meet the needs of America's working families. And —

michael barbaro

In interviews on Sunday with ABC's "This Week," House Speaker Nancy Pelosi blamed Republicans for demanding a drastic cut in the weekly benefit, while Treasury Secretary Steve Mnuchin claimed that the $600 payments risked overpaying unemployed workers.

archived recording

So you do think it is a disincentive to find a job if you have that extra $600?

archived recording (steven mnuchin)

There's no question. In certain cases where we're paying people more stay home than to work, that's created issues in the entire economy.

michael barbaro

And The Times reports that July was a devastating month for the pandemic in the U.S. The country recorded nearly 2 million new infections, twice as many as any previous month.

archived recording (deborah birx)

I want to be very clear. What we're seeing today is different from March and April. It is extraordinarily widespread. It's into the rural as equal urban areas.

michael barbaro

In an interview on Sunday with CNN, Dr. Deborah Birx, a top White House adviser on the pandemic, acknowledged that the United States has failed to contain the virus.

archived recording (deborah birx)

And to everybody who lives in a rural area, you are not immune or protected from this virus. And that's why we keep saying, no matter where you live in America, you need to wear a mask and socially distance. Do the personal hygiene —

michael barbaro

That's it for "The Daily." I'm Michael Barbaro. See you tomorrow.

[music]

Aaron Krolik contributed reporting.