



September 17, 2019

**SENT VIA PRIORITY MAIL AND EMAIL**

City of Detroit FOIA Coordinator  
City of Detroit Law Department  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 500  
Detroit, MI 48226-3437  
FOIA@detroitmi.gov

Dear FOIA Coordinator:

This is a request by the American Civil Liberties Union of Michigan (“ACLU”), in cooperation with the coalition of organizations cited in the letterhead above, pursuant to the Michigan Freedom of Information Act (“FOIA”), MCL 15.231 *et seq.*, for public records. We note the following facts, which are relevant to this request. In 2017, the City of Detroit (“the City”) entered into a contract to purchase facial recognition software and services from a company called Dataworks Plus, Inc. (“Dataworks”). The technology was to be utilized by the Detroit Police Department (“DPD”). The contract between the City and Dataworks states that the software Dataworks was to provide to the City must be capable of “real-time video surveillance

facial recognition.” The contract also states that “Dataworks Plus will work with the City of Detroit to fine-tune the specifications and create a customized solution that meets our exact needs. Dataworks Plus will provide a turnkey facial recognition system including all the required interfaces to Motorola Command Central Aware Console and ID Networks.”

In recent communications to the public or public bodies, both Mayor Mike Duggan and DPD Chief James Craig have stated that DPD and the City have no intention of using the facial recognition technology the City purchased to conduct real-time video surveillance facial recognition or to connect the facial recognition software to the Green Light cameras operated by the City and DPD. The City has not publicly explained why it specifically contracted to purchase software that is capable of engaging in real-time video surveillance facial recognition.

We request the following public records:

1. Any memoranda, internal correspondence, inter-departmental correspondence (including electronic correspondence) authored by, received by, or in the possession of the City of Detroit or the Detroit Police Department since Jan. 1, 2016, discussing facial recognition technology.
  - a. This request includes any and all documents discussing the City’s deployment and purchase of the facial recognition technology described above.
  - b. This request includes any and all documents discussing the City’s or DPD’s decision to not use the real-time video surveillance capabilities of the Dataworks facial recognition technology, as well as any and all documents documenting whether the City or DPD has, in fact, used such technology at some point.
  - c. This request also includes any and all documents describing the City’s and DPD’s decision to seek a contract and procure technology that included the purchase of software with the capacity to engage in real-time video surveillance technology.
2. Any contractual modifications, communications, or correspondence (including electronic communications or correspondence) between the City or DPD and Dataworks (or any Dataworks subsidiary or contractor). This request specifically includes (but is not limited to) any documents discussing the deployment (or lack thereof) of the Dataworks real-time video surveillance capabilities for which the City initially contracted.
3. Any and all written policies, since Jan. 1, 2017, governing the City’s or DPD’s use of facial recognition software or the terms upon which such technology can be used or is being used.
4. Any and all policies, since Jan. 1, 2017, describing steps to be taken by DPD or the City to ensure that the results of facial recognition searches that are potentially exculpatory are turned over to defense counsel in cases in which an individual charged with a crime was *not* identified after the use of a facial recognition check.
5. Any memoranda, internal correspondence, inter-departmental correspondence (including electronic correspondence) authored by, received by, or in the possession of the City of Detroit or the Detroit Police Department since Jan. 1, 2016, discussing or analyzing the accuracy of facial recognition when applied to people of color as compared to Caucasians.

6. Copies of every request, since Jan. 1, 2017, by any DPD or City officer or official (or other law enforcement officer) for DPD to make use of its facial recognition software for any purpose. Please also provide the results of any such facial recognition searches/checks. We do not object to redactions of such materials that are necessary to protect the privacy of individuals who were subjected to facial recognition scans.
  - a. In this regard, we note that Chief Craig has publicly stated that there have been approximately 500 requests by DPD officers for use of the facial recognition technology. This request encompasses all documentation associated with each of these 500 requests.
  - b. We also note that Chief Craig has publicly stated that of the approximately 500 times the facial recognition technology has been used, leads have been forwarded to investigators in only 150 cases. This request encompasses any and all documentation as to why no leads were forwarded to investigators in the remaining 350 cases.
7. Any documents discussing or analyzing which of the ~150 leads established by the use of facial recognition resulted in arrests of the identified individual. This includes any records demonstrating how many individuals have been charged or indicted after having been identified in part via a facial recognition check.
8. Any audits or other documents reflecting steps that DPD or the City have taken to ensure that facial recognition technology is not used for any purpose other than purposes specifically authorized by internal DPD or City policy.
9. Any policy documents, memoranda, internal correspondence (including electronic correspondence) or other documents discussing the City's or DPD's policy with respect to sharing any type of facial recognition information or resources with federal law enforcement or immigration authorities such as the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Customs and Border Patrol ("CPB"), or the Federal Bureau of Investigations ("FBI").
10. Any documents, memoranda, correspondence (including electronic correspondence) between the City or DPD and any of the federal agencies mentioned above (or any employee of such agencies) in which facial recognition technology or information is mentioned.

Our coalition requests that you waive or reduce any fee associated with this request as permitted by MCL 15.234(1). Waiving or reducing the fee is in the public interest because disclosure of the requested public records can be considered as primarily benefiting the general public in its understanding DPD's use of facial recognition tools, which is a subject of intense public debate at this moment in time. If this request for waiver of fees is denied and it will cost more than \$50 to process the request, please contact me before proceeding.

Please process and respond to this request pursuant to the requirements of FOIA, including by responding within five business days of receiving this request, by separating exempt from non-exempt material, explaining the basis for any determination that any requested material is exempt from disclosure, and describing any material that is deleted, redacted or withheld.

Further, please provide the requested records in electronic form if it is feasible and economical to do so. Emails transmitting less than 10 MB of data may be sent to

pmayor@aclumich.org, or arrangements can be made to supply you with a CD, flash drive, or email address capable of handling larger quantities of data.

Finally, I welcome the opportunity to answer any questions you might have about this request in order to better clarify or facilitate the production of the public records requested. I can be reached at (313) 578-6803.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Mayor", with a stylized flourish at the end.

Philip Mayor  
ACLU of Michigan  
2966 Woodward Ave.  
Detroit, MI 48201  
(313) 578-6803  
pmayor@aclumich.org

cc: Detroit Board of Police Commissioners (by email)