Victoria Shah

From: BOPC BOPC
Sent: Thursday, November 16, 2023 2:00 PM
To: WILLIE BURTON
Cc: Victoria Shah
Subject: FW: License plate reader inquiry.

From: Baker, Rae (baker3rl) <baker3rl@ucmail.uc.edu>
Sent: Thursday, November 16, 2023 12:55 PM
To: BOPC BOPC <BOPC@detroitmi.gov>
Subject: [EXTERNAL] License plate reader inquiry.

My name is Rae Baker, and I am a member of the coalition that has been advocating for greater transparency over the use of surveillance technology in Detroit. I am a resident of District 2, and an assistant professor in the College of Education, Criminal Justice, and Human Services at the University of Cincinnati.

I am contacting you on behalf of the coalition with a concern that I hope can be communicated to Commissioner Burton.

Our coalition noted that on October 23rd, the Health and Public Safety Committee approved a procurement request from DPD for mobile finger print readers. The following day, Council approved the procurement. No specification report was provided to either the HPS committee or to council, which is in violation of the CIOGS ordinance. When our coalition reached out to council member Santiago Romero (the chair of HPS) about why no specification report had been provided, her staff informed us that no specification report was required because the technology did not qualify within the criteria outlined in the CIOGS ordinance. When we pushed back on this response by indicating that the collection of biometric data does require a specification report under CIOGS, we were told that this kind of technology is already in use and therefore no spec. report was required for procurement. Our coalition is unable to locate the procurement records for the existing use of this technology. We also believe it is important for transparency for an explanation to be provided as to why a procurement request was submitted for a technology DPD already has in use; and, to this end we would like to know if there has been a change in DPD protocol that enables the use of finger print recording that would require access to mobile technology.

Our concern is that although DPD may have finger print technology software in use currently, the procurement of mobile finger print reading technology presents the possibility that finger print recording is going to be conducted outside the walls of precincts, which we believe could reflect a change in protocol. Although DPD has access to finger print technology currently, that technology has not previously had the capacity to capture biometric data using mobile devices. We want to know if DPD intends to use these new mobile finger print readers during patrols, in authorized police vehicles, or anywhere that is outside of a designated DPD building. We believe the Board of Police Commissioners should investigate this matter, as within the last year, a policing division in the State of Michigan was served and lost a law suit concerning civil liberties protections and the use of mobile finger print readers. Michigan Supreme Court: Taking fingerprints without a warrant unconstitutional (detroitnews.com)

Although technologies that are currently in use do not require a specification report, the procurement request for mobile finger print readers suggests that this specifically mobile application is not currently in use by DPD and should have required a specification report to be submitted under CIOGS. This ordinance was intended to provide Detroiters with more information about the procurement and use of surveillance technology in the city, and Detroiters have witnessed this ordinance be disregarded and not upheld by members of council and DPD multiple times since the ordinances' initial passage in 2021. Our coalition strongly believes that CIOGS requires several amendments to bring the ordinance up to speed with the changed landscape of surveillance we live with in Detroit today, which is much more pervasive than that of 2021.

I appreciate you passing this concern and prompt for inquiry along to Commissioner Burton.

Thank you for your assistance.

Prof. Rae Baker (They/them)
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Rae.baker@uc.edu, Book a meeting

*Why pronouns matter Read more!

The Cincinnati area and the land that the University of Cincinnati has been built on is **the native homeland of the Indigenous Algonquian speaking tribes, including the Delaware, Miami, and Shawnee tribes**. For those of us who are uninvited settlers on this land, consider learning more about reconciliation initiatives and how to be engaged and supportive of ingidenous resurgence movements. Read more.

The Detroit News (50 YEARS)
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Michigan Supreme Court rules taking fingerprints without a warrant is unconstitutional

Kayla Ruble
The Detroit News

Published 6:20 p.m. ET July 22, 2022 | **Updated 6:21 p.m. ET July 22, 2022**

The Michigan Supreme Court has ruled that taking a person's fingerprints without a warrant is unconstitutional, rejecting a so-called "photograph and print" policy previously used by the Grand Rapids Police Department.

In a unanimous decision issued on Friday, the state's highest court concluded that fingerprinting someone who has not been charged with a crime qualifies as an unreasonable search in violation of the Fourth Amendment.

Through the "photograph and print" procedure, Grand Rapids police officers were given cameras and fingerprinting kits as part of their standard equipment, allowing them to photograph and fingerprint someone at any time and at their own discretion. The department changed the policy in 2015, but according to the court ruling the practice was used routinely by Grand Rapids police officers during stops as a way to gather identifying information.

"The [photograph and print] policy was facially unconstitutional because it authorized the [Grand Rapids Police Department] to engage in unreasonable searches contrary to the Fourth Amendment," Justice Richard Bernstein wrote in the court's unanimous opinion. "... Fingerprinting an individual without probable cause, a warrant, or an applicable warrant exception violates an individual's Fourth Amendment Right."

The state court ruling stems from a case brought by the American Civil Liberties Union of Michigan on behalf of two Black teenagers who were subjected to the policy in two separate instances in 2011 and 2012.

In the 2011 incident, Denishio Johnson was stopped by police after being seen walking through a parking lot and looking into cars. The 15-year-old did not have any identification on him at the time, so the officer took his fingerprints in an effort to see if he was tied to any other crimes. The teen was eventually identified by his mother and released without charges.

The following year, an officer stopped Keyon Harrison after observing the child hand a model train engine to another boy, something the officer found "suspicious." Harrison was let go without any charges, but was photographed and fingerprinted before he was released.

A trial court and the Michigan Court of Appeals had previously sided with the city of Grand Rapids, ruling against Johnson and Harrison. Friday's Supreme Court decision reverses that decision.

"Today's unanimous ruling confirms that the Grand Rapids Police Department's photograph and print policy is dangerous and unconstitutional," said Dan Korobkin, a legal director with the ACLU of Michigan, in a statement following the ruling.

Korobkin said the policy had enabled "decades of racial profiling, police overreach, and threats to personal privacy."

According to records reviewed by the legal advocacy organization, three-quarters of the people who were stopped and printed by Grand Rapids police were Black, despite African Americans making up just 21% of the city's population.

The ruling against the Grand Rapids Police Department comes as the law enforcement agency remains under scrutiny over the death of Patrick Lyoya, a 26-year-old Black man who was shot and killed by Grand Rapids police officer Christopher Schurr during a morning traffic stop on April 4. Schurr has been charged with second-degree murder and fired from the police department.

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