

February 4, 2021

Dear Alders,

We, the former members of the Body-Worn Camera Feasibility Review Committee, feel compelled to write, jointly and unanimously, to respond to the letter Gregory Gelembiuk has submitted to the Common Council challenging the integrity of our Committee's process and final product. We do not respond here to his arguments about the merits of body-worn cameras (BWCs)—our Report fully addresses our views about the potential strengths and weaknesses of BWCs, and reveals that we were not of one mind about the final recommendation to undertake a BWC pilot project. We stand behind that Report fully. We respond instead to his attempts to undermine our integrity as individuals and as a group.

Greg complains that the Report is biased and one-sided. We urge all Council members to read the full Report, watch the recordings of our deliberations, and decide for yourselves. We worked hard to address both sides of the debates about BWCs, and to present fairly and neutrally the social science research findings, both when they supported BWC usage and when they did not. We fully acknowledge that, as human beings, we are all subject to cognitive biases. But there is irony in Greg's claim that our Report is the product of confirmation bias, given that from the first day on the Committee Greg has attempted to slant everything we did and said in ways that would portray BWCs as a fool's errand, or worse. The reality is that many members of the Committee were truly on the fence about what final position to take on BWCs until the very end, and one of us from the beginning to the end was opposed to BWCs, as is reflected in our final 5-1 vote. And yet when the Committee at times rejected Greg's edits, or modified them in ways to enable consensus (keep in mind, as Greg himself acknowledges, we very frequently *accepted* his edits or additions to the Report), we did so *unanimously* virtually every time. Given all of our varied perspectives, it is hard to see how all of those unanimous votes could have been little more than expressions of pro-BWC confirmation bias.

Greg asserts that the Committee "foreclosed the possibility of submitting edits to correct the errors and omissions [in the draft report], on the grounds that there was no time to do so before the report deadline," and that that gave him "no ethical choice but to resign." This is a continuation of an even more overt and relentless effort Greg has chosen to make in social media to fight against BWCs by attacking the integrity of the Committee's process. We must set the record straight. The Committee never foreclosed the possibility of submitting edits, or attempted to "muzzle" Greg, as he has asserted on Facebook. The reality is, the Committee met regularly precisely in order to permit Greg to submit edits, and to go over in painstaking detail the many, many edits he suggested. The Common Council created our Committee over the summer and gave it a six-month time frame to complete its work, with a deadline of the end of December 2020. The Committee initially met every two weeks into the fall, but then as the deadline approached, started meeting even more frequently, primarily specifically so that we could accommodate Greg and his extensive requested edits. As we started considering the draft Model Policy in November, and thereafter the full Draft Report, we started meeting more frequently, often weekly, and even twice a week. Even with the holidays, in November and

December 2020 the Committee met nine times, on November 5, 11, and 19, and then December 3, 9, 16, 17, 21, and 22—almost all of it devoted to addressing edits to the Policy and Report, most of which were proposed by Greg. At Greg’s request, we then *unanimously agreed* to seek an extension of time until the first Common Council meeting in February (about a one-month extension), and Greg told us that should be sufficient time for him to complete his edits and allow us to consider them all. Almost entirely to accommodate Greg’s growing list of proposed edits, the Committee then picked up the pace even more in January, meeting January 4, 7, 11, and 15, with meetings still planned for January 19, 22, 25, and 26. As the extended deadline for completing our Report was approaching, and as Greg continued to produce more and more edits, the Committee could see no way to finish its work on time unless we set a timeline for completing the process of considering new edits. The Committee therefore voted at its January 15 meeting to set a deadline of January 19 for the submission of any final edits, so we would have time to consider them all and finalize the report in the last week of the Committee’s work. The Committee voted *unanimously* (with Greg abstaining)—including the Committee member who on the merits of was opposed to BWCs—to set that deadline.

Unfortunately, instead of continuing to work with the Committee constructively to finalize its Report, Greg then chose to resign, permitting him to write his own lengthy missive attacking the integrity of the Committee’s Report and process, without Committee input, and outside the transparency otherwise guaranteed by the open meetings law. There is again irony in Greg’s complaint that he did not have sufficient time to write his final edits to an already largely edited Report, and yet he had time to write his own 48-page complaint about the Committee’s Report prior to the February 2 Common Council meeting.

Greg raises in particular, as illustrations, two matters that he says show the Committee’s bias. First, he notes that the research shows that both prosecutors and public defenders, by large majorities, believe that BWCs help them win their cases. Greg wanted to include an *interpretation* of that data, arguing that the results showed that public defenders and prosecutors were both overly optimistic about the utility of BWCs, because both could not be right. It was not apparent to us, however, that the survey responses were inherently contradictory, as it was possible that the survey respondents were saying that BWCs would help them win their cases when BWC footage backed up their version of events, and they both could be right about that. The research at issue did not claim to show that either public defenders or prosecutors were right or wrong, or that either group was overly optimistic. It just reported their views. And so that was what the Committee chose to do as well—just report the data and let the reader decide what to make of it, without speculating one way or another about why the lawyers responded the way they did, or whether their responses were irreconcilably contradictory.

Greg then goes to great lengths arguing the cost estimates the Committee provided are too low. But those are not the Committee’s cost estimates; the Committee made no cost estimate. Instead, the Committee reported on estimates provided by the MPD and by nearby police departments (Milwaukee and Fitchburg), which have actual experience implementing BWCs, and added other cost insights gleaned from the research. Greg might not like the numbers

these police departments provided the Committee, and he is free to challenge them, but the numbers included in our Report are indeed the numbers that were provided to us—not our interpretations of those numbers. It is unfortunate Greg chose to resign from the Committee instead of making his full argument about costs to the Committee, so we could fully and publicly explore those numbers.

In sum, please do not accept at face value Greg's attempt to discredit our work and divert your attention from the substance of our Report. Please read the Report, and if you have concerns about its accuracy or the fairness of our process, watch the recordings of our meetings.

Thank you.

Respectfully submitted,

Keith Findley (past co-chair)

Tom Brown (past co-chair)

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