

Dear Alders,

I served on the Body-Worn Camera Feasibility Review Committee. I am writing to convey additional information regarding to the BWC Committee report – specifically, correspondence with the authors of a scientific study that was not accurately represented in the BWC report, along with reviews of the issue by two independent scientists.

Recap

Since many alders are new, I will start with a brief recap. Much of the mission of the BWC Committee involved review of the science on BWCs. I was the only scientist on the committee. I resigned from the Body-Worn Camera Feasibility Review Committee on January 15, after I concluded that the committee would not generate a report with sufficient scientific validity.

The report presents itself as a balanced assessment, and does discuss various problems associated with BWCs. But it contains numerous scientific inaccuracies (misrepresenting the findings of scientific studies) and omissions (entirely omitting key BWC “cons”) and fails to consider alternatives, painting an overall much more favorable picture of BWCs than data and research support. It also greatly understates the financial cost of BWC implementation. After the committee foreclosed the possibility of submitting edits to correct the remaining errors and omissions, on the grounds that there was no time to do so before the report deadline, I saw no ethical choice as a scientist but to resign. I’ve detailed this and related issues in previous letters to alders, the PSRC, and the EOC. The letters are linked here:

[“Regarding the report of the Body-Worn Camera Feasibility Review Committee”](#)

[“Further correspondence on the BWC Committee report”](#)

[“Further deficiencies in the BWC Committee report”](#)

I will add that I myself started out as a strong advocate for implementation of BWCs. In 2015, I created the first petition in Madison requesting implementation of BWCs ([here](#) is the petition). However, as a scientist, I have followed all the research on BWCs very closely and have gradually come to agree with Michelle Alexander – the acclaimed civil rights lawyer, advocate, legal scholar and author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (the bestselling book that helped to transform the national debate on racial and criminal justice in the U.S.). Linked here is a video of part of a lecture by Michelle Alexander: [“Police Body Cameras Are Not a Solution.”](#) I’ll note that Campaign Zero, the prominent Black Lives Matter organization that advocates evidence-based solutions to policing issues, followed a similar path to myself. Campaign Zero used to promote BWC implementation but now [cautions cities against adopting BWCs](#), pointing out that a “range of research studies finding no evidence that body cameras reduce police use of force.” Likewise, Jennifer Doleac, Associate Professor at Texas A&M University, and Director of the Justice Tech Lab (an institution with a mission of studying empirical evidence of what works and what doesn’t in policing and criminal justice) notes [“Body Cameras Don’t Make Police More Accountable”](#). The case of BWCs may bear a resemblance to some other technological “solutions to problems” that were widely implemented and hyped

before their adverse consequences or lack of efficacy came to be adequately recognized (e.g. DDT, lobotomies, nuclear power, etc.).

The primary point of this letter

As I noted, the BWC Committee report contains a range of serious errors and omissions. I am writing to provide definitive evidence in one such case, involving misinterpretation of the results of a key [study](#) (Groff, Ward, & Wartell, 2018). I am doing so since the BWC Committee Chair (the primary author of the Committee report) has continued to misinform Madison city committees on this matter, claiming that my complaints about misrepresentation of the study are “completely invalid”. This study is of particular importance, since it concerns increased criminalization of low-level offenses by residents, as a consequence of BWC implementation. Madison already has one of the highest racial disparities in arrests and prosecutions among cities in the U.S. (with arrest rates for Black residents about 11 times as high as for white residents). This disparity has continued to grow over recent years, and BWCs have the potential to make the problem worse, with increased filing of misdemeanor charges in our most heavily policed (BIPOC) communities.

Here I provide independent fact checks about the study. I have corresponded with the authors of the study. Elizabeth Groff (the study’s first author) and Jeffrey Ward (the author who performed the relevant statistical analysis for the study) replied to me at length. The authors’ response confirms, as I repeatedly sought to point out, that the BWC Committee report does not correctly report their research findings (see [Appendix 2](#)). With regard to the same study and the account in the committee report, I have also obtained reviews from a statistician/mathematician, Professor Professor Brooke Orosz, and a data scientist, Avneesh Chandra. These also confirm that the committee report misrepresents the Groff et al study’s findings (see [Appendix 1](#)).

The committee report is in error. What the committee report claims the Groff et al study found is not what it actually found. The report basically understates the potential impact of BWCs on overcriminalization of Madison’s BIPOC communities, and falsely portrays this problem as readily solved by requiring prosecutors to view BWC videos.

The response from Groff and Ward also contains the full response Groff had earlier sent BWC Committee CoChair Keith Findley. Findley contacted Groff after I pointed out problems in his account of the Groff et al study in his draft report (in comments I sent on December 17, 2020). It is now clear that he edited Groff’s response to him when he included it in the BWC Committee report, deleting two relevant sentences that pointed out a problem with his account. I later pointed out the same issue as Groff, but my attempted correction was also ignored. Providing Groff’s full language in the committee report would have undercut a narrative argument the report seeks to make, in which information about two different prosecutors’ offices is conflated in a misleading manner (see [Appendix 3](#)). Deleting this information from Groff’s response, which makes the response appear purely affirming, misled me and would have misled others reading the report.

The report's misrepresentation of the results of the Groff et al 2018 study is also a good example of how policy measures that the committee report claims will ameliorate detrimental effects are often inadequately thought through and based on wishful thinking rather than legitimate evidence. In this case, merely having prosecutors view BWC video would not be expected to eliminate an increase in prosecution rates of lower-level offenses. This example also perfectly illustrates confirmation bias (only looking for evidence that would confirm a preferred belief, while dismissing all contrary evidence) and motivated numeracy (misconstruing numerical data to fit with political preferences).

As Dan Kahan (Yale Professor of Psychology and Law) notes:

Simply put, as ordinary members of the public acquire more scientific knowledge and become more adept at scientific reasoning, they don't converge on the best evidence relating to controversial policy-relevant facts....This is one of the most robust findings associated with the science of science communication....There's no doubt that scientific reasoning demands a high degree of proficiency in System 2 [conscious, deliberate, analytical] information processing. But as ordinary members of the public become more adept at this style of reasoning, they don't think more like scientists. Instead, they become more reliable indicators of what people who share their group commitments think about culturally contested risks and related facts....proficient reasoners are revealed to be using their analytical skills to ferret out evidence that supports their group's position, while rationalizing dismissal of such evidence when it undermines their side's beliefs.

The problem of motivated reasoning and science denial

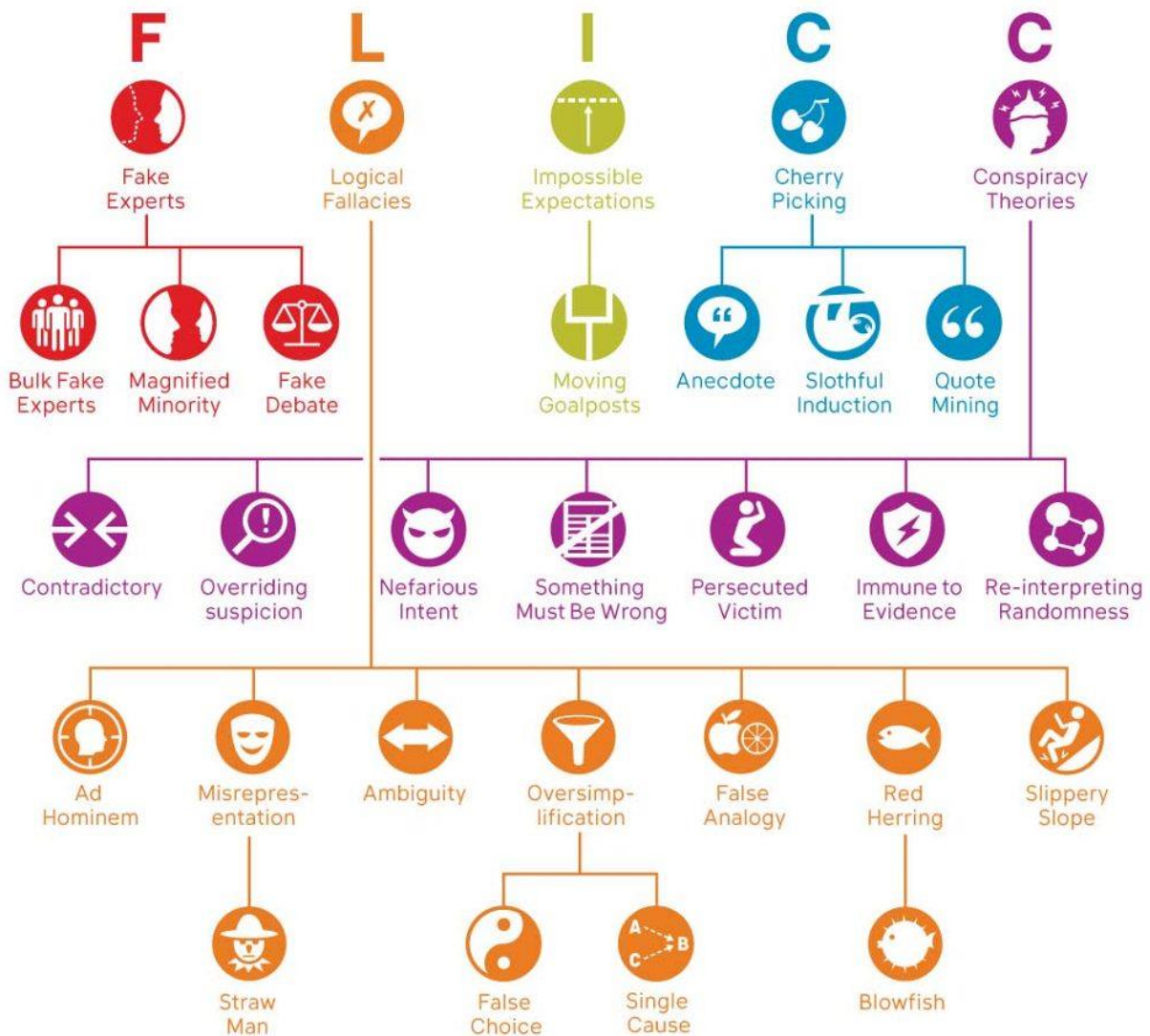
I think all committee members were well intended, but problems with motivated reasoning and how the science was approached, a substantial degree of groupthink, self-righteousness, etc. undermined the deliberative process and outcome. While on the Committee, I worked hard to correct the errors and omissions in the draft report. The draft report had been written by a strong BWC proponent (CoChair Keith Findley) without seeking prior authorization from the committee or input from other members. It contained numerous errors and skewed interpretations of scientific studies. In many places the text was BSing or sloppy in discussing the science. But from the start, the draft report's author expressed strong opposition to allowing the time and work needed to fully correct the draft report's serious deficiencies. There was resistance to acknowledging many of the flaws in the writing and, at times, extreme defensiveness. I was accused of being "too anal" and "relentless" in submitting proposed corrections. I suspect much of the resistance was because my corrections were undermining the case in favor of BWCs. I was ultimately prevented from continuing and then resigned the committee.

Subsequently, essentially every statement the author of the draft report made in testimony to the PSRC and EOC regarding the report's errors (and my actions with respect to this issue) was provably false/mistaken. None of his responses has addressed the factual points I've raised, instead attacking my character, expressing outrage, portraying me as having concealed intent,

telling other committee members that I'd attacked the integrity of the committee, etc. There needs to be some more dispassionate way to talk about the scientific, factual problems in the report, and the approach that led to this. Intellectual content needs to be separated from egos and politics. It is known that people reach the most accurate conclusions when they're open to objective scrutiny of the accuracy of their judgments.

Many of the characteristics of science denial in the figure below made appearances in the committee deliberations and report, and subsequent debate (e.g., misrepresentation, oversimplification, ambiguity, false choice, immune to evidence, ad hominem, straw man, assertions of nefarious intent, cherry picking, etc.).

Techniques of Science Denial



One major problem with motivated reasoning and science denial is if people don't think they're biased in the first place, to what extent are they able to address their biases? But, everyone is subject to cognitive biases – it's part of the human condition. Training in science and fundamental science curiosity are known to help reduce the effects of motivated reasoning in the context of answering scientific questions. But it can't be overcome when people deny the possibility of such bias in their own case.

I'll mention here that BWC researcher Kristyn Jones notes this same type of problem with regard to the perceptual biases (biases that favor officers) that BWC video generates. The BWC Committee report recommends informing people of this perceptual bias, to try to ameliorate the effect. But as Kristyn Jones notes, research shows that such instruction generally does very little to correct the problem, since most people won't actually consider that they might be biased.

I will note that there are provisions in the draft policy and preconditions that I think are creative and good measures – for example, creating the equivalent of a new discovery process for BWC video (allowing defendants immediate access), the requirement that any pilot program be a rigorous randomized controlled trial, etc. But overall, too much of the policy prescription is inadequately thought through and not evidence-based. In other words, if BWCs were implemented in Madison, it would be better to follow the policies and preconditions specified in the report than to not do so. But these provisions should not be expected to adequately ameliorate the detrimental effects of a BWC program. The report is often misleading in conveying an impression that many of these provisions could be expected to sufficiently ameliorate harms.

Sincerely,

Dr. Gregory Gelembiuk

Appendix 1

From: Gregory Gelembiuk

Sent: Wednesday, March 10, 2021 12:18 PM

To: PDPSRC@cityofmadison.com <PDPSRC@cityofmadison.com>; eoc@cityofmadison.com <eoc@cityofmadison.com>

Subject: Additional independent review of BWC Committee report issue

Dear Committee Members,

I had earlier raised examples of serious errors in the Bodycam Committee report, including misinterpretation of scientific research. Bodycam Committee Chair Keith Findley denied any errors, and, specifically regarding his misinterpretation of the results of a 2018 study by Groff, Ward, and Wartell, told the EOC and PSRC that my “complaints are completely invalid”. This is an important matter since it concerns the potential for BWCs to contribute to further criminalization of low-level offenses by Madison residents (particularly in vulnerable, overpoliced communities).

I thus arranged for two independent qualified professionals to review the issue. Both were recruited by freelance science writer Kavin Senapathy. One of these (as I noted earlier) was

Statistician/Mathematician Professor Brooke Orosz, Ph.D. (Division Chair at Essex County College, Newark, NJ). The other was Data Scientist Avneesh Chandra (of Graphika Inc.), who provided an additional review that I just received today. Neither had any prior involvement with BWC-related issues and neither was someone I knew. Thus, they could provide fully independent, neutral review. Each was provided a copy of the relevant study (Groff, Ward, & Wartell, 2018), the Bodycam Committee report, and my statement about the issue.

Both fully corroborated what I have been saying – that the Bodycam Committee report misstates the scientific results. And it does so in important ways, that lead to erroneous conclusions on a critical matter (i.e., the potential of BWCs to exacerbate overcriminalization, and how readily that could be addressed).

Here is the review that Statistician/Mathematician Dr. Orosz sent me:

I read the long working paper. What jumps out at me is that prosecutors only viewed the footage before deciding whether or not to file in a small percentage of cases, apparently because it would take too much time and the prosecutor's office doesn't have adequate staffing to support such an increase in workload.

More importantly, nothing here is at all blinded or randomized. According to the focus group work, prosecutors made the decision about whether or not to view the footage themselves, based on whether they thought it was relevant to their decision. This does NOT show that prosecutors reviewing the footage reduces the probability of charges being filed, and overall, filing rates WERE higher among the group of crimes that had footage available.

That, as I interpret the study, is a key thing. There's no evidence that requiring prosecutors to view all footage would work, because nothing like that was tested here. Prosecutors chose not to view most of the time because they thought it was unlikely to change their minds. What if they're right?

Table 23 shows that there is a strong relationship between charges being filed and the availability of the camera footage, and that trying to control for covariates makes it look stronger, not weaker. In fact, in the adjusted model, filing rates were significantly higher even for crimes where the footage was watched.

So yeah, there is definitely evidence that body cameras increase filings. I agree with what you said.

Here is the review by Data Scientist Avneesh Chandra:

1. In my reading, Findley claims that the apparent increase in prosecutions related to BWCs can be eliminated by having prosecutors view BWC footage prior to filing. This seems consistent with your read.

2. In my reading, Groff et al seem to indicate that there is an observed decrease in prosecution rates when BWC footage is viewed versus when it is not viewed. However, given the small percentage of cases where footage *is* viewed, this observed decrease is **not** statistically significant. This seems consistent with your interpretation of the report.

3. Continuing on the above point, my read is that even if that difference *were* statistically

significant, it **would not eliminate** the apparent increase in prosecutions, because the increase even when footage is viewed remains ~100% of, or twice as much as, when there is no BWC footage at all. This point is what is inconsistent with the following statement, which claims that a policy by which prosecutors would be required to view the footage would entirely eliminate the apparent increase in prosecutions associated with BWCs:

“Interestingly, the researchers also found that, while prosecution rates went up when BWC footage existed, that BWC footage had that effect only when prosecutors failed to review the footage prior to charging....”

I will add that I myself am a scientist (at UW-Madison) with a great deal of background in statistical analysis. Statistical modeling and interpretation of statistical analysis is much of what I do professionally. One colleague asked why my own statements were insufficient – since I was well-credentialed and had the requisite background. I told them that the information I was providing was being dismissed, and thus I needed independent reviewers (corroborating what I was saying), to be taken seriously. The underlying problem on the Bodycam Committee appeared to be one of motivated numeracy – a type of motivated reasoning where people “use their quantitative-reasoning capacity selectively to conform their interpretation of the data to the result most consistent with their political outlooks”. Studies suggest that professional judgement imparted by professional training and experience in a field (e.g., the field of science or statistics) imparts resistance to such motivated reasoning. Unfortunately, I was the only scientist on the Bodycam Committee.

Sincerely,

Dr. Gregory Gelembiuk

Appendix 2

From: Elizabeth Groff <elizabeth.groff@temple.edu>
Sent: Wednesday, March 17, 2021 3:25 PM
To: Gregory Gelembiuk <gwgelemb@wisc.edu>
Cc: Jeffrey T. Ward <jeffrey.ward@temple.edu>
Subject: RE: [External] Inquiry about one of your studies

Dear Dr. Gelembiuk,

Our apologies for the response time but these are difficult times for many of us. I prevailed upon my colleague, Jeff Ward, who was the co-investigator on the study and conducted the analysis of the official data. He is also more immersed in statistics. It seemed a careful and nuanced interpretation of our findings was essential given that they are important to your committee’s report and disagreements about interpretation exist.

Jeff has answered your questions in **blue** below. I responded to question 2 in **green**. Keith Findley’s text is in **red**.

My interest is in regards to these findings:

Table 23 in your paper shows that relative likelihood of a case being filed, as compared to being rejected, is significantly greater ($p < 0.001$) when BWC video is available, with the propensity score matching and entropy weighted models giving similar treatment effect estimates. As you note, "Model 3, for example, suggests that the relative likelihood of a case being filed as compared to rejected is 2.49 times higher, or in other words 149 percent greater, when a case has BWC video as compared to when it does not ($p < 0.001$)."

Table 24 estimates the effects of video viewing on filing outcomes. As you note, "once accounting for demographics, crime type, and other covariates, both the entropy weighted and propensity score matched models do not find that video viewing significantly reduces the likelihood that a case is filed. Compared to misdemeanor case rejection, the relative likelihood for a misdemeanor filing, case hearing, or other outcome are all lower but not significantly so."

Table 25 examines the effect of both video availability and viewing (the effect of the multivalued treatment) on filing outcomes. You note "results indicate that having a video available but not viewed is associated with a 178 percent greater likelihood of filing a case ($p < 0.001$), whereas viewing an available video increases the likelihood a case will be filed, as compared to rejected, by 101 percent ($p < 0.01$). That is, the relative likelihoods are 2.78 and 2.01 times greater.... Post-hoc tests found the coefficients of 'viewed before filing decision' and 'not viewed' to not significantly differ ($p = 0.20$), which confirms findings reported in Table 24."

In a report from our committee, Keith Findley stated the following, citing your paper:

"Interestingly, the researchers also found that, while prosecution rates went up when BWC footage existed, that BWC footage had that effect only when prosecutors failed to review the footage prior to charging"

In other words, our committee report indicates that your finding was that there was no increase in filing rate in cases where video was available relative to cases where it was not available, if the video was viewed before the filing decision.

1. **My first question is, is this (i.e. the quoted underlined statement above) the correct interpretation of your results?**

As I understand it, after accounting for covariates, your results appear to show a significantly greater likelihood of filing in cases where video was available relative to cases where it was unavailable, even if the video was viewed (Table 25). It appears that for cases where video was available, viewing the video might have caused some degree of decrease in filing rates relative to not viewing video, but this was not statistically significant. But I am asking since your input would be helpful (given that our committee Chair, Keith Findley, insists I am wrong about this).

Yes, that is the correct interpretation of the table. The "Not Viewed" coefficient indicates the difference between BWC video available that was not viewed vs. similar cases where there was no video. The "Viewed Before Filing Decision" coefficient indicates the differences between BWC video available that was viewed before the filing decision vs. similar cases where there was no video. In both cases, these coefficients were significant and positive indicating higher filing rates. As you note, the post-hoc test indicated NO significant difference between these coefficients, though the coefficients are in a direction consistent with lower filing when BWC video was viewed before the filing decision vs. similar cases when BWC video was available and not viewed.

Table 25 is in many ways an alternative way to view findings from Tables 23 and Table 24, though it does provide a more nuanced view. The earlier tables which are probably easier to understand. When BWC video is available (viewed or not), relative to matched cases where no BWC video is available, findings suggest significantly increased filing rates (Table 23). Among the cases where there is BWC video available, having viewed the BWC video, relative to not having viewed the BWC video, does not lead to a

significantly different filing rate (though findings were in a direction that indicates lower filing when the video is viewed) (Table 24).

We really appreciate the question, we are working on way to simplify the presentation of these findings for a journal article we are finishing to prevent any confusion.

2. My second question is, did Keith Findley ask you about the above underlined statement, and did you affirm that it correctly interpreted your results?

In discussions about our committee report, I've stated that I thought the above underlined statement is not a correct interpretation of your findings. In response, Keith Findley has stated that "The very language that Greg objects to we sent to Dr Groff and she affirms that we interpreted it correctly." He informed another city committee "We communicated directly with Dr Groff and she explicitly affirmed that our reporting of her study was spot on. These complaints [i.e., my disagreement with Findley's interpretation] are completely invalid."

The language that I have objected to (that Keith Findley is referring to here) is specifically the underlined sentence above. That's the *only* language I have brought up so far, from our committee report, regarding your paper (i.e., up to this point, in discussions in Madison concerning our committee report, I have not referenced any other language concerning your paper). I am wondering if Keith Findley instead sent you other text (different from this language), and you indicated no disagreement with that text, then he adduced additional conclusions that he hadn't actually asked you about but that he believed followed, and that he is now representing you as affirming.

This is Liz answering in green – it is true that I did not flag up any problems with the interpretation of our study results presented in the text Keith sent me. The statement you asked about does not appear in the red text.

Here is the text that Keith Findley sent me (in red):

Several factors caution against assuming that the research means charging rates will necessarily rise if Madison implements BWCs. First, while the data clearly show that cases with BWC footage are charged at a higher rate than cases without BWC footage, that does not necessarily mean that BWC led to an *increase* in charging or criminalization. What it shows rather is that, in the same time period, BWC-footage cases are charged more frequently than non-BWC-footage cases. It could be that BWCs have actually led to a decrease in charging in cases that lack video footage, rather than any increase in charging or criminalization overall. The research does not tell us which effect is being observed.

The Groff finding that charging rates *declined* when prosecutors actually viewed the footage, along with an on-the-ground explanation of practices in Los Angeles by Mike Gennaco, supports the possibility that BWCs might reduce charging in some cases. In the research, charging in cases that had BWC footage was in the aggregate higher than in cases where there was no BWC footage, despite the fact that prosecutors had a lower charging rate when they viewed BWC footage, because prosecutors rarely viewed the footage prior to charging. Groff explained that, in Los Angeles, "the fundamental issue is that staffing levels [in the prosecutor's office] are too low to keep up with the current number of cases that need to be evaluated for filing. As one attorney remarked 'each day is triage'" Moreover, under the system employed in Los Angeles, prosecutors did not have automatic access to BWC footage, but instead had to request access. As Gross concluded, "This decreases the likelihood a DCA [prosecutor] will take the time to consider video evidence." The result was that in the vast majority of cases,

prosecutors made charging decisions without ever viewing the BWC footage—BWC video was viewed by the filing attorney 1.6% of the time and not viewed in 98.4% of the cases that had BWC footage.

Mike Gennaco of the OIR Group, who resides and works in Los Angeles, provided a first-hand explanation of what was happening in Los Angeles. He said that the District Attorney in Los Angeles County has declared that if there is no body camera footage, the DAs will not file (again, supporting the possibility that the existence of BWC footage in some cases might lead to a reduction of charging in others). Gennaco also said that the anecdotal information available in Los Angeles suggests, by contrast, that if there is BWC footage to support the arrest, the DA's office has an inclination to file the charges, even without viewing the footage first (supporting the finding that BWCs produce a higher charging rate). Indeed, consistent with Groff's findings, Gennaco told the Committee that, because of a lack of resources, charging decisions are almost always made without viewing the BWC footage first. If the footage is eventually viewed, and it doesn't match up with the police report in the case, the case will then be dismissed. But in the meantime, negative consequences from the initial charging decision accrue—the defendant will have been arrested, will typically remain in jail unable to make bail, will lose work, and will face pressures to plead out to the case just to get out of jail. All of this suggests that an essential component of a BWC system is that all measures reasonably possible must be taken to ensure that prosecutors have and review BWC footage prior to making charging decisions.

In the interest of transparency, here is my reply to Keith. Perhaps I should have been as careful in my response to Keith's email as we were in writing the report.

"Your text does accurately assess the study. I appreciate that you emphasize the cross-sectional nature of the study and the finding of very low rates of watching video prior to filing or rejecting. We cannot say for certain what the findings would show if more attorneys watched the video but they do suggest that fewer cases are charged when video evidence is viewed prior to the charging decision. Additionally, our study was conducted in the City Attorney's office. We did not include DA practices. "

3. My third question is, in your study, did you find a statistically significant decrease in filing rates, or a definitive decrease in filing rates, when video was available and viewed compared to available and not viewed (all else equal)?

I believe I know the answer to this just from reading your paper. But I am asking because elsewhere in our committee report, Findley has asserted, based on your paper, that viewing BWC video definitively decreases filing rates. For your multinomial logistic regression results (with covariates accounted for), you clearly state that there wasn't a statistically significant decrease. Also, in Table 11, you present "primary date" and carefully state "Cases where video was viewed had a lower filing percentage (45.5% versus 51.9%) and a higher rejection rate (45.5% versus 39.0%). If the same proportions occurred in a larger sample, it would suggest that the use of BWC evidence by attorneys reviewing cases reduces the proportion of cases being filed" (and you include the footnote "No tests of significance were performed since more than 20% of cells have less than 5 observations"). It seems quite plausible that there might truly be a decrease (that would be found significant in a larger sample), and the values that you observe are in that direction, but I don't see evidence that would allow one to claim that there definitively is a decrease, as Findley has asserted, based on his interpretation of your study.

Yes, I would be cautious about reaching any firm conclusions for two reasons. As you note, first, findings are at best suggestive of a potential relationship and do not support it statistically. Second, the timing in which this study occurred is important to consider. LACA (and LAPD) has since made several changes in their operations (e.g., hiring paralegals to work with video, use of standard identifiers for videos, etc.). In

essence, I think a follow-up would really be needed to see how the BWC videos have had an impact on LACA operations over a longer period of time (after the growing pains so to speak have been worked out).

4. Finally, questions closely related to my initial question...

Did your study find that the likelihood of filing was lower in cases in which BWC video was available and viewed relative to cases in which BWC video was not available?

No. For the official data, please see response to Q1.

Also, did your study find that filing rates were higher in cases with BWC video, relative to cases without BWC video, only because BWC video was rarely viewed?

With respect to the official data, the fact that filing rates were higher with BWC video—watched or not watched—does not seem to support this inference. That said, I think more research is ultimately needed before making any firm conclusions about what happened in LA. For instance, before procedures were standardized, did LAPD do a better job ensuring video could be matched to CCMS by putting in the appropriate ID for cases in which they thought were likely to be filed? This is a possibility. To the extent this is a concern, then the comparison of cases that had BWC available but not watched before filing decision to cases that had BWC video watched before filing decision is likely informative. See Table 24. This table suggests filing rate was lower when video was viewed (as compared to when it was available but not viewed) but this was *not* statistically significant when matched on covariates. Another point to consider is that BWC should become more and more available for cases as standard operating procedures for video sharing improve, efficiency increases, etc; although perhaps this may never be efficient enough to be relevant for custody cases. In any case, to the extent that video is widely available, the relevant question in that case will be what is the effect of video viewing (not the availability of video). Perhaps, it is through this lens that Keith was writing but I have no way to know.

We sincerely hope these response will help you gain clarity and move forward to complete the work of your committee.

Best,
Liz and Jeff

Appendix 3

Groff and Ward, the first two authors of the Groff, Ward, & Wartell (2018) paper, sent me the full text of a response that Groff had sent in December to BWC Committee Chair Keith Findley, in reply to an inquiry. The e-mail from Groff and Ward shows that, in citing and quoting Groff's reply in the Bodycam Committee report, Findley had deleted two relevant sentences - essentially somewhat misrepresenting the response, in a way that makes it appear purely affirmative.

The BWC Committee report text (written by CoChair Findley) misconstrues the study, and conflates the study results - which only concern prosecutions by the Los Angeles City Attorney's Office (in the period 2015 to early 2018) - with information from Mike Gennaco about practices in the Los Angeles County District Attorney's Office at the present time. The Los Angeles City Attorney's Office and the Los

Angeles County District Attorney's Office are two completely separate entities, with very different responsibilities (and these are two different time periods, with vastly different levels of BWC implementation – cases with BWC footage were uncommon during the Groff et al study, but Los Angeles County is now saturated with BWCs, such that most cases have video). In other words, apples and oranges are being conflated, while readers are led to incorrectly believe that only one type of fruit is under discussion.

In the Bodycam Committee report, Findley wrote "One of the most significant studies leading to this conclusion was conducted in 2018 for the Laura and John Arnold Foundation by Dr. Elizabeth Groff and her colleagues. In that study, which examined the effects of BWCs in Los Angeles County..."

But it wasn't examining "the effects of BWCs in Los Angeles County" - the District Attorney's purview. It was examining only the effects in the City of Los Angeles, for City Attorney prosecution of misdemeanors.

Findley also wrote that Groff et al found that, if prosecutors viewed BWC video, it definitively caused a decrease in prosecutions. But they found no significant decrease in prosecutions - in their sample, the number of prosecutions appeared slightly lower if video was viewed, but it was not a statistically significant difference (i.e., could readily be due to chance). Their analysis showed that, even when prosecutors viewed the video before charging, there was a large, statistically significant increase in the rate of charging compared to when there was no bodycam video available.

In her e-mail to Findley, Groff pointed out two issues in what Keith had written, attempting to provide correction, noting:

We cannot say for certain what the findings would show if more attorneys watched the video but they do suggest that fewer cases are charged when video evidence is viewed prior to the charging decision. Additionally, our study was conducted in the City Attorney's office. We did not include DA practices.

In quoting the reply in a Bodycam Committee report footnote (prefaced by "she responded via email stating"), Chair Findley left out those last two sentences. Their inclusion would have interfered with the argument he was trying to make, which conflates the County District Attorney with the City Attorney. Findley nowhere corrects his misinformation to readers, in which readers are led to incorrectly believe that the Groff et al study was for County data, and concerned the District Attorney's Office. Leaving out the last two sentences also makes it less apparent that the sentence preceding them ("We cannot say for certain what the findings would show if more attorneys watched the video...") is an attempt to correct Findley in his claim, in the Committee report, that when prosecutors view BWC video, charging rates definitively decline.

Basically, it appears that, because the CoChair was motivated to understate the potential impact of BWCs on overcriminalization (a BWC "con") he misconstrued unfavorable information and mangled disparate things together, generating a misleading narrative that sounds superficially plausible, until you look at the details.
