

From: Rashidah
To: Tyfahra Milele; Marsha Peterson; Henry Gage, III; Regina Jackson; Jesse Hsieh; Rudolph Howell; David Jordan; Brenda Harbin-Forte
Cc: Alden, John; Phillips, Michelle; Adwan, Rania; Conor Kennedy
Subject: re Agenda Item 7 supplemental report
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Chair Milele and Commissioners:

In view of some portions of Director Alden's supplemental report, I thought it would be helpful to reference the actual language of Measure S1 in reference to the issue of the 250 day deadline which should trigger the Commission's option to convene a discipline committee.

I'm not sure that the Director's statements, based on discussions that led to the Council placing Measure S1 on the ballot, justifies the claim that a lack of adequate staffing qualifies as 'exceptional circumstances' in (f) nor does it necessarily alter the Commission's option in (g) 5. *(red bold font is mine)*

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(f) Investigations

3. The Agency shall make every reasonable effort to complete its investigations within one hundred and eighty (180) days of the filing of the complaint with the Agency. **The Agency shall complete its investigations within two hundred and fifty (250) days of the filing of the complaint with the Agency unless the Agency Director, in his or her discretion, makes a written finding that exceptional circumstances exist in a particular case that are beyond the Agency's control.**

(g) Adjudication

5. On its own motion and by no fewer than five (5) affirmative votes, the Commission **may convene a Discipline Committee** for cases involving allegations of Level 1 use of force, sexual misconduct and untruthfulness **when either the Agency or the Department have not completed an investigation within two hundred and fifty (250) days of the filing of a complaint** or when the evidence upon which either the Department or the Agency bases its findings does not include available body-worn camera footage of the incident under investigation, or when body-worn camera footage of the incident was required under Department policy but such footage was not recorded or was otherwise unavailable. The Discipline Committee may require the Agency to further investigate the complaint by notifying the Agency Director, in writing, of the specific issues that need further investigation.

Rashidah