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CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE DISTRICT ATTORNEY



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August 16, 2011

The Honorable Katherine Feinstein  
Presiding Judge, Superior Court  
City and County of San Francisco  
400 McAllister Street, Department 206  
San Francisco, CA 94102

Re: In the Matter of the 2010-2011 Civil Grand Jury

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 AUG 18 PM 2:56  
BY: [Signature]

Dear Judge Feinstein

I write to provide the District Attorney's Office response to Finding 3 of the Civil Grand Jury's report entitled "San Francisco's Ethics Commission: The Sleeping Watchdog." Finding 3 states: "Waiting for the District Attorney or City Attorney to inform the Ethics Commission that they are not going to pursue a case causes unnecessary delay." We disagree with the portion of Finding 3 that pertains to the District Attorney's Office for the following reasons. San Francisco City Charter Section C3.699 provides that within ten working days of receipt of a complaint from the Ethics Commission, the District Attorney shall inform the Ethics Commission whether we have initiated an investigation or intend to pursue an investigation of the matter. The District Attorney's Office has strived to always meet the Charter's 10-day timeframe, even in very complex matters. We are pleased to report that our records show that, since January 2009, in over 90% of the cases we have indeed met that timeframe and responded to the Ethics Commission within ten working days of receipt of the complaints. In rare occasions, such as when the District Attorney has needed additional information to determine whether a criminal investigation is warranted, the District Attorney's response has come after ten working days. Going forward, the District Attorney will respond to each complaint within ten working days of receipt.

The Grand Jury's Recommendation 3 states "After the 14-day window, Ethics Commission investigations should start promptly." This recommendation is not directed at the District Attorney's Office, and accordingly it does not appear applicable for us to comment about the implementation of the recommendation.

Very truly yours,

GEORGE GASCÓN  
DISTRICT ATTORNEY

David A. Pfeifer  
Chief Assistant District Attorney

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cc: Manish Goyal – Mayor’s Office  
Andrea Ausberry – Assistant Committee Clerk, Board of Supervisors  
John St. Croix – Director of Ethics Committee  
Linda Ross – City Attorney’s Office