

**San Francisco Chief of Police William Scott
Talking Points and Briefing Material**

May 7 OIS Town Hall Prepared Remarks



Safety with Respect

**Police Headquarters
Conference Room 1025
Date: May 13, 2021 — Time: 1500 hours**

Prepared Remarks

Welcome

Good afternoon.

We're here today for a Virtual Town Hall regarding an officer-involved shooting that occurred on Friday, May 7, 2020 on Varney Place, between Jack London Alley and 3rd Street, in the South of Market neighborhood of San Francisco.

Before proceeding, I'd like to announce to our viewing and listening audience that we have sign language interpretation services here this afternoon to assist persons who are deaf or hard of hearing.

This Town Hall is also being translated into Spanish and Cantonese for members of our community who speak those languages.

Today's presentation will include details from an officer-involved shooting incident that resulted in a non-life-threatening injury to Mr. Xavier Pittman Jr.

We recognize the traumatic impacts that officer-involved shootings can have on members of our communities — especially for families and loved ones. To any of our viewers experiencing trauma from this incident, or from information or images presented during this Town Hall, please know that help is available to you. You may can contact the San Francisco Department of Public Health's crisis line at (415) 970-3800 for trauma services.

Outline of Town Hall

Here is what we hope to accomplish today.

First and foremost, we want to continue to earn your trust and legitimacy by being transparent through this presentation. We will be releasing facts known to us at this time about this incident in an informative and impartial manner.

In the spirit of transparency, accountability and just doing what's right, I'm departing from our normal Town Hall protocols and will make a statement regarding this incident based on what we know at this time from the evidence and facts of this case — including video evidence, witness and our members' statements.

Based on our analysis of the facts and evidence we have at this time, the shooting of Mr. Pittman quite simply should not have happened.

I am deeply sorry that Mr. Pittman was shot during this incident. I'd like to take this opportunity to publicly apologize to Mr. Pittman Jr., his family and friends.

I also want to say I am truly sorry to the public, as we know you expect us to get this right, and we know how traumatic it is to see these types of incidents — especially when they should not have happened.

Shortly, Commander Robert O’Sullivan will discuss the facts of this case, but before I turn this over to Commander O’Sullivan, I’d like to emphasize that this is an ongoing investigation. As such, there may be some information we cannot release at this time, either because the facts are not yet clearly established, or because the release of certain information is either prohibited by law or could compromise the investigation.

Next — unlike most OIS Town Halls in recent years — no body-worn camera footage was captured in this incident. That is because the San Francisco Police officers involved in this incident were working a plainclothes district station assignment. Current SFPD policies allow a Body-Worn Camera exemption for officers working certain plainclothes operations. This particular operation met the Body-Worn Camera exemption.

However, with that said, businesses’ surveillance video camera footage in the area and immediate vicinity of the officer-involved shooting captured various portions of this incident. Those videos will be presented during Commander O’Sullivan’s presentation shortly, and additional video is being sought by investigators.

Although we have been committed to transparency with of our officer-involved shooting investigations for several years now, this level of transparency is consistent with California’s police transparency law that was implemented with passage of Senate Bill 1421.

All the information we will release in this Town Hall — including the video footage and audio recordings — will be posted on the SFPD website at sanfranciscopolice.org, where it will remain available in perpetuity for public inspection.

Next, San Francisco Police Department directives mandate that we release the names of officers from officer-involved shootings within 10 days of the incident — unless safety concerns argue against disclosure. In this matter, no safety concerns have been identified and the name of the involved officer will be released during Commander Robert O’Sullivan’s presentation of the facts of this incident.

Investigative Processes

Next, I would like to explain the investigative processes for an officer-involved shooting.

San Francisco has a multi-agency response to officer-involved shootings, and each agency’s investigation is independent.

Whenever an officer-involved shooting occurs in San Francisco involving an on duty San Francisco Police officer, the following agencies are immediately notified:

- The San Francisco Police Department’s Investigative Services Detail and the San Francisco Police Department’s Internal Affairs’s Division
- The San Francisco District Attorney’s Office’s Independent Investigations Bureau — also known as IIB;

- The San Francisco Department of Police Accountability — also known as DPA.

All notified agencies immediately dispatch investigators and appropriate personnel to the scene to begin their respective and independent investigations.

Investigative Responsibilities

As far as investigative processes related to OIS's, there are five general areas of investigative responsibility:

- First, **SFPD's Investigative Services Detail** is the investigative unit responsible for investigating any underlying criminal activity that led up to the officer-involved shooting.

In this case, the underlying criminal activity being investigated by SFPD's Investigative Services Detail is a series of auto burglaries that occurred in the City and County of San Francisco involving a gray Mitsubishi.

- Second, **SFPD's Internal Affairs Division** is responsible for conducting an administrative investigation to determine if the officer or officers responsible for the OIS are in compliance with the standards and responsibilities of SFPD policy.

Although the investigations of both SFPD units run in parallel, each has a distinct investigative purview and focus. Each maintains a strict internal firewall to comply with legal standards and requirements.

- Third, the **San Francisco District Attorney’s Office’s Independent Investigations Bureau**, or IIB, is the lead investigative unit responsible for investigating whether the involved officer or officers use of deadly force or any associated force is legal in accordance with the criminal laws of the State of California.

The District Attorney’s investigation and findings are independent of the San Francisco Police Department’s investigation and administrative findings.

Based on the findings of the District Attorney’s Independent Investigation Bureau’s investigation, the District Attorney of the City and County of San Francisco is authorized to determine whether or not the involved officer or officers have violated the criminal laws and accordingly whether or not to file criminal charges against the officer or officers.

- The fourth independent investigative process is the **San Francisco Department of Police Accountability**, also known as “DPA.”

San Francisco voters created DPA — as a successor to the Office of Citizen Complaints — with their passage of Proposition D in June 2016 election. DPA investigates all SFPD incidents in which any of our officers discharge a weapon within the course and scope of their duties, whenever that discharge results in an individual’s injury or death.

- The fifth and final independent investigative process is that of the **San Francisco’s Office of the Chief Medical Examiner**, or OCME. The medical examiner has responsibility for conducting an on-scene investigation, collecting evidence, and taking custody of a deceased person in any officer-involved shooting that results in a fatality. In tragic cases such as these, OCME is responsible for conducting an autopsy to determine the decedent’s cause of death, and to report those findings publicly.

Thankfully, no fatality resulted from last Friday’s OIS on Varney Place. Accordingly, the San Francisco Medical Examiner has no investigative role in this incident.

Commander O’Sullivan Intro

We will allocate one hour for public comments and questions, and conclude this Town Hall at (estimate the end of the town hall).

Thank you very much for joining us today.

And now, Commander Robert O’Sullivan.

Town Hall Concluding Remarks

To the public, I'd like to point out that we take community feedback very seriously. Based on feedback from prior officer-involved shooting Town Halls, we will also take questions and answer them to the extent we're able — understanding that this incident remains an ongoing investigation.

We've already received questions from members of the media asking if this shooting was an unintentional or negligent discharge. It is too early in this investigation to make that determination, but this shooting should not have happened.

I will address some questions now so we can use the time we have allotted for other questions.

As I said in my opening remarks, although the investigation of this case has not reached a final conclusion, I can say that based on what we know at this time from the evidence and facts of this case — including video evidence, witness and our members' statements — that the shooting of Mr. Pittman Jr. quite simply should not have happened and I want to say again to Mr. Pittman, his family and friends that I am deeply sorry that Mr. Pittman was shot during this incident.

Beyond the apology I've expressed, Officer McAuliffe — through his attorney — has asked that we post his own apology to Mr. Pittman for this incident as part of the online content that is part of this OIS Town Hall. The full text of that will be available on our website at sanfranciscopolice.org.

But to summarize, Officer McAuliffe asked me to convey how badly he feels that this happened. He did not intend for his gun to go off. He sincerely apologizes to Mr. Pittman and wishes him a full and speedy recovery.

As to the question of whether or not this officer-involved shooting was unintentional, that is a legal determination to be made by the San Francisco District Attorney's independent criminal investigation.

Our Department General Order 8.11 defines any discharge of an officer's firearm that results in injury or death as an officer involved shooting. What that means is the shooting whether unintentional or not is adjudicated administratively through the lens and standards of our use of force policy, General Order 5.01. That standard classifies the use of a firearm as deadly force which can only be used as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the public and police officers. In summary, an officer is authorized to use deadly force when the officer has reasonable cause to believe that he or she or another person is in immediate danger of death or serious bodily injury.

I'd like to reiterate that during the investigation of an officer-involved shooting and at the investigation's conclusion, we look at the facts and evidence through the lens of standards set by our use of force policy and from the lens of our training guidelines to reach an administrative conclusion.

Those standards are purposely set very high, and our Use of Force policy is considered by many to be a model policy.

- At this point of this investigation we are focused on looking at this case through the lens of our; Use of Force - General Order 5.01; General Order 8.11, as well as our Arrest and Control Manual in regard to the physical control tactics and the physical arrest of Mr. Pittman.

For any persons who are following this case and would like to compare the facts as we know them today to our Use of Force General Order 5.01, as well as all other general orders. They can be found on our website at www.sanfranciscopolice.org.

Now, I'd like say a few words to our officers. I, the command staff, and the public expect a lot from you — sometimes even perfection. As your Chief, I realize just how difficult your job is, especially during these trying times in policing. Our City has been plagued the last several years with car break-ins. The work that was being performed prior to this officer-involved shooting was exactly what I and the public expect you to do.

While we apologize sincerely to Mr. Pittman for this officer-involved shooting, we owe it to the public and ourselves as committed professionals to continue to prevent, detect, and solve car break-ins — and all crimes in our city — and vigorously pursue those who victimize our residents and visitors.

Please keep your keep your heads and spirits up and continue to do the great job you do day in and day out.

Lastly, before we take the public's questions, I'd like to update you on what steps we have taken to revisit our policies and training to prevent a reoccurrence of this type of incident.

- Until further notice I have directed all district station plainclothes units to continue their investigations, but we will not conduct operations in plain clothes until we review our training, policies, and protocols, regarding district station plain clothes operations.
- I have directed our written directives unit to revisit our BWC policy and make policy recommendations for Police Commission consideration as it pertains to plain clothes operations.
- I have directed the Deputy Chief of our Administration Bureau to have our Training Division subject matter experts immediately create roll-call training refresher updates for arrest and control tactics with an emphasis on SFPD standards and expectations of its members in regard to physical controls. All sworn members will receive this refresher training.
- And last, I have directed our concerned command staff members to expedite recommendations for plainclothes unit policies for Police Commission consideration.

Now we will take questions from the public.