

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

May 19, 2022, OIS Town Hall Remarks



Safety with Respect

**SFPD Headquarters
Conference Room 1025
Friday, May 27, 2022 – 1500 hours**

Prepared Remarks

Welcome

Good afternoon.

We're here today for a Virtual Town Hall regarding an officer-involved shooting that occurred on Thursday, May 19, 2022, at Mariposa and Owens Streets.

Before proceeding, I'd like to announce to our viewing and listening audience that this Town Hall is being translated into Spanish, Cantonese and American Sign Language (ASL) for members of our community who speak those languages.

On Mr. Macfhionghain and Mr. Mendoza

Today's presentation will include details from an officer-involved shooting incident that ended tragically, claiming the lives of 57-year-old Michael Macfhionghain and 49-year-old Rafael Mendoza.

In the San Francisco Police Department, we recognize that our sworn duty as law enforcement officers imposes no more solemn obligation on us than to honor and respect the sanctity of human life. We also know that, as police officers, we are sometimes required to use force — including deadly force, at times — in the performance of our duties.

Without suggesting a premature judgment on the appropriateness of the force used in this particular incident, I can express on behalf of all of us in our department our condolences to the family, friends and loved ones of Mr. Mendoza and Mr. Macfhionghain for the loss they've suffered.

We recognize, too, that officer-involved shootings can have traumatic effects on members of our communities — especially for individuals, their families and loved ones, who have suffered traumas of their own in encounters with the criminal justice system, wherever it may be.

To any of our viewers experiencing trauma from this incident — or from the information or images that we will present 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, in the San Francisco Police Department's aspiration to be a national model of 21st century policing, we work to earn the trust of those we serve by committing to transparency and to the tenets of procedural justice — in this process, and in this Town Hall presentation.

Procedural justice depends on the legitimacy of police as well as our entire criminal justice system. With these town halls, we work to embody the foundational tenets of what procedural justice is all about.

- We will release facts known to us, at this time, about this incident.
- We will do so in a manner that is impartial and neutral.
- We will answer questions from members of the public as well as members of the news media; and
- We will listen to public feedback.

Commander Paul Yep will be presenting the facts of this case in a few minutes. Before turning the floor over to him, however, I want to emphasize that this incident is subject to multiple independent and ongoing investigations. As such, there may be some information we cannot release at this time, either...

- Because the release of certain information is prohibited by law; or
- Because the release of certain information could compromise an ongoing investigation; or
- Because certain facts have not yet been established with certainty; in other words, we are not able to release unconfirmed information.

The Scene at Mariposa and Owens Streets

Next, Commander Paul Yep's presentation will include a detailed verbal narrative of the facts as we know them as well as audio and video content from the officer-involved shooting incident.

- SFPD officers who responded to the scene were wearing department-issued body-worn cameras, which were activated at the time of the incident. Consistent with our Body-Worn Camera Policy, Department General Order 10.11, you will see Body-Worn Camera (BWC) video from those officers from multiple perspectives.

- Cell phone video taken by the reporting witness captured images of shadows of the assault incident will be included in Commander Yep's presentation.

Commitment to Transparency

At the San Francisco Police Department, our commitment to full transparency has guided our officer involved shooting investigations and town halls for several years now.

Although our practices predate the enactment of many police transparency and accountability laws in California, we believe our approach has remained consistent with the letter and spirit of reforms implemented by...

- Senate Bill 1421 (for police transparency); and
- Assembly Bill 1506 (for police accountability).

In fact, because of Assembly Bill 1506 — the California Attorney General's office is conducting an independent criminal investigation into this officer-involved shooting incident.

Online Access

SFPD's commitment to transparency in this process will also be reflected in our release of information online. Video from this Town Hall — including audio recordings from 911 calls and dispatchers and the video footage I just mentioned — will be posted on SFPD's website, at sanfranciscopolice.org. There it will remain available in perpetuity for public viewing.

San Francisco Police Department directives mandate that we release the names of officers from officer-involved shootings — unless safety concerns argue against disclosure.

In this matter, we identified no safety concerns and Commander Paul Yep will release the names of the officers as part of his presentation.

Investigative Processes and Responsibilities

I would like to explain the investigative processes for an officer-involved shooting next. 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 **SFPD's Investigative Services Detail** is the unit responsible for investigating the events that led up to the officer-involved shooting. In this case, the activity being investigated is a series of aggravated assaults that occurred between Mr. Macfhionghain and Mr. Mendoza, which occurred prior to, and leading up to the officer-involved shooting.
- The **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 requirements 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.

- The **San Francisco Department of Police Accountability**, also known as "DPA," also conducts an independent administrative investigation. San Francisco voters created DPA — as a successor to the Office of Citizen Complaints — with their passage of Proposition D in the 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 **San Francisco Office of the Chief Medical Examiner**, or OCME, has responsibility for conducting an on-scene investigation, collecting evidence, and taking custody of a deceased person in any officer-involved shooting which 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. In this incident, because Mr. Macfhionghain and Mr. Mendoza died from their injuries, the OCME will conduct an investigation to determine cause of death.
- Recent changes in state law after the passage of California State Assembly Bill 1506 mandate that the **California Department of Justice's (CA DOJ) Division of Law Enforcement - California Police Shooting Team** conduct a criminal investigation on officer-involved shootings. The CA DOJ was notified and will take investigative responsibility for the officer involved shooting.
- All notified agencies dispatched investigators and appropriate personnel to begin their respective and independent investigations.

Conclusion and Introduction of Commander Yep

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 will allocate one hour for public comments and questions, and conclude this Town Hall at 6:00 p.m.

Thank you very much for joining us today. And now, Commander Paul Yep.