



Chesa Boudin
District Attorney

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August 18, 2021

Via Electronic Mail & USPS
Chief William Scott
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

Re: IIB Case #2021-002; *In re Mark Vidal*

Dear Chief Scott:

The San Francisco District Attorney's Office's Independent Investigations Bureau (IIB) has completed its review of the February 8, 2021 use of force incident involving San Francisco Police Department (SFPD) officers and Mr. Mark Vidal. Based on a thorough review of the available evidence, we have concluded that there is insufficient evidence to support a finding of criminal misconduct by any of the officers at this time. Accordingly, the District Attorney's Office is declining to file criminal charges in this matter based on the evidence presently available.

IIB's review of the case focused exclusively on whether criminal charges relating to any conduct by SFPD officers are warranted. The review did not examine issues such as any officers' compliance with internal SFPD policies and procedures, their training or tactics, or any issues related to civil liability. The decision not to pursue criminal charges should not be interpreted as expressing any opinion on such non-criminal matters.

On February 8, 2021, at approximately 2:06 pm, officers responded to 44 McAllister Street regarding a person who had been assaulted with a knife. Upon arrival, officers spoke with the alleged stabbing victim, who told them that the person who stabbed him ran into room number 110. Officers then knocked on door of room number 110 and ordered the suspect out. The suspect, later identified as Mr. Mark Vidal, came out of the room, and complied with certain commands, while disregarding others. As Mr. Vidal attempted to stand up and reach toward a blue box, an officer deployed his department issued Extended Range Impact Weapon (ERIW). Mr. Vidal then fell back to the ground, where he was taken into custody without further incident.

Mr. Vidal was thereafter transported to a local hospital, where he was treated for his injuries.

As there is insufficient evidence of an unlawful use of force or other criminal conduct by SFPD officers based on the available evidence, the District Attorney's Office will close its file.

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If SFPD uncovers additional evidence, please contact IIB in order to revisit this matter, if appropriate.

Please do not hesitate to contact me if you have any questions.

Best Regards,

A handwritten signature in black ink, appearing to read "Chesa Boudin". The signature is fluid and cursive, with a long horizontal stroke for the first name and a more complex, looped structure for the last name.

Chesa Boudin
District Attorney

cc: Captain Mark Cota, SFPD Risk Management Office
Lieutenant Quoc Do, SFPD Investigative Services Detail