

San Francisco Police Commander Paul Yep Talking Points and Briefing Material

May 19, 2022 OIS Town Hall Remarks



Safety with Respect

**SFPD Headquarters
Conference Room 1025
May 27, 2021 — Time: 1500 hours**

Introduction

The Officer Involved Shooting (or OIS) incident discussed in this presentation occurred on Thursday, May 19, 2022, at approximately 7:48 pm as Officers responded to an “A” priority call for service of an aggravated assault located on Mariposa Street and Owens Street, underneath the Interstate 280 overpass. An “A” priority call for service is our highest priority involving “in-progress” crimes.

This incident involves uniformed patrol members of the San Francisco Police Department from the Bayview Police District and Southern Police District. Two Officers from Bayview Police District who responded are also current members of the SFPD Specialist Team. Of the Officers on scene during the OIS incident, 16 completed Crisis Intervention Team (CIT) Training including the four Officers involved in the OIS and the Sergeant on scene. Eight have also completed Critical Mindset Coordinated Response (CMCR) Training, including two Officers involved in the OIS and the Sergeant on scene.

Officers who are CIT trained have completed a 40-hour California POST-certified course which prepares them to respond to persons in crisis incidents and, as a team, formulate a plan, establish rapport, and use de-escalation tactics (including tactical repositioning and creating time and distance), whenever possible, to safely resolve person in crisis incidents.

CMCR is a 20-hour California POST-certified training course developed by the San Francisco Police Department's Field Tactics Force Options (FTFO) Unit. This course addresses high risk situations encountered by Officers out in the field. Training objectives include critical decision-making during high-risk incidents. Officers gain a deeper understanding of how to resolve these incidents with a coordinated and tactically sound approach using teamwork and leadership.

The precise chronology of this incident is currently under investigation. The times presented are approximate and are still under investigation at this time. The following is a summary of the events as they are understood as of today, Friday, May 27, 2022:

Incident Narrative

1. At approximately 7:48 pm, the San Francisco Department of Emergency Management received a 911 call from a reporting witness who was driving eastbound on Mariposa Street underneath the freeway overpass at Owens Street.
2. The witness stated to the 911 call-taker that she saw “maybe a houseless person with two large sticks...beating the crap out of...what looks like a shelter where someone else might be living.” Per the witness, the suspect was “violently beating it over and over and over again.” The witness described the “shelter” as having a brown tarp.
3. The witness took cellphone video footage, which captured the movement of shadows of the incident. The witness believed there may have been a person inside the “shelter” being hit by the sticks because there was movement from inside the tarp.
4. The witness described the sticks as possibly a “black baton” and “one made out of wood.” The weapons were also described as the size of baseball bats.
5. The witness described the suspect as a dark skinned male, 60 years old, approximately 5’8” in height, bald, with a skinny to medium build, and wearing a yellow and blue hoodie with dark pants.
6. At approximately 7:54 pm, Bayview District Officers were dispatched to the location as a call for service for an “A” priority 245, which is police code for an aggravated assault or assault with a deadly weapon.

7. At approximately 8:01 pm, two Bayview District Officers arrived on scene. Officers observed two subjects on the ground next to a brown tarp, which was located behind a low concrete and steel wall, underneath the freeway overpass.
8. One of the individuals matched the call-taker's description of a "dark skinned male" in his 60's, approximately 5'8" in height, bald, with a skinny to medium build, and wearing a yellow and blue hoodie with dark pants. This individual was later identified as Rafael Mendoza.
9. The second individual appeared to be a white male, wearing a yellow shirt. This individual was later identified as Michael Macfhionghain.
10. Both subjects were lying next to each other on the ground in an active physical struggle involving a knife. Mr. Macfhionghain held a knife in his right hand with the blade pointed downward over Mr. Mendoza. Mr. Mendoza, who was laying on his back, used his right hand to hold onto the right wrist of Mr. Macfhionghain.
11. As the Officers approached the subjects, Mr. Mendoza told the Officers, "He got me right there," and "I can't breathe," which can be heard on the Officers' body worn cameras. Mr. Macfhionghain told the Officer, "This man...repeatedly attacking me," which can also be heard on the Officers' body worn cameras.
12. The Officers gave Mr. Macfhionghain numerous commands to drop the knife. An Officer broadcasted to Dispatch using their police radio "code 33 (which is police code for an emergency – clear channel) we got a subject with a 222 (which is police code for a person with a knife)."
13. A Bayview District Sergeant arrived on scene. During the course of the incident, the Sergeant requested additional Officers and to have

the SFPD Hostage/Crisis Negotiation Team (H/CNT) respond to the scene. The Sergeant also requested ambulances to stage nearby and for the California Highway Patrol (CHP) to shut down the freeway off-ramp.

14. An Officer drew his Department issued firearm and held it in front of him while he spoke with both subjects. The Officer told Mr. Macfhionghain he believed Mr. Mendoza had attacked him. The Officer asked Mr. Macfhionghain to drop the knife so that he could help him.
15. The Officer continued communicating with Mr. Macfhionghain and Mr. Mendoza as additional Officers arrived. Arriving Officers were equipped with less lethal force options, including extended range impact weapons (or ERIW), which are commonly referred to as bean bag guns, and 40 mm foam baton projectile weapons.
16. The Officers on scene coordinated the following actions: they designated and identified arrest teams, Officers deploying less lethal weapons, and lethal cover Officers. They also designated Officers deploying Department ballistic shields, Officers deploying OC spray (or commonly known as pepper spray), and the positioning of Officers at the scene.
17. One Officer told the other Officers on scene, “Guy in the blue has a knife, guy in yellow has a knife,” which can be heard on the Officers’ body worn cameras. The Officer gave both Mr. Macfhionghain and Mr. Mendoza commands to drop their knives as the imminent threats of harm to both continued.
18. An Officer at the scene believed he recognized Mr. Mendoza from a prior police contact and that Mr. Mendoza primarily spoke Spanish. Another Officer at the scene, who is a Department Qualified Spanish-

speaking Bilingual Officer, also gave Mr. Mendoza commands in Spanish to drop the knife. Mr. Mendoza responded verbally in both English and Spanish.

19. At approximately 8:07 pm, an Officer discharged a less lethal weapon (a 40 mm foam baton projectile) one time at Mr. Macfhionghain. Mr. Macfhionghain did not comply or stop and continued holding a knife with the blade pointed downward over Mr. Mendoza.
20. An Officer told the other Officers, “The guy in the yellow’s hand is bleeding from holding the blade,” which can be heard on the Officers’ body worn cameras. Another Officer then told Officers, “So he’s got one, he’s holding the blade, so he’s got two of ‘em...left side has two knives...” which can also be heard on the Officers’ body worn cameras.
21. Officers additionally discharged their less lethal weapons (two separate 40 mm foam baton projectiles) at Mr. Macfhionghain. Mr. Macfhionghain did not comply or stop and continued holding a knife with the blade pointed downward over Mr. Mendoza.
22. Another Officer then deployed OC (or pepper) Spray at Mr. Macfhionghain while Officers continued to give Mr. Macfhionghain commands to drop the knife. Mr. Macfhionghain continued holding the knife with the blade pointed downward over Mr. Mendoza.
23. At approximately 8:10 pm, after an approximately 9-minute struggle, Mr. Macfhionghain suddenly climbed on top of Mr. Mendoza and brought the knifepoint downward towards Mr. Mendoza’s upper body.
24. Multiple Officers again yelled for Mr. Macfhionghain to “drop it” and “drop the knife.” Officers discharged less lethal weapons (one ERIW

bean bag projectile and one 40 mm foam baton projectile) at Mr. Macfhionghain.

25. Within seconds, Mr. Macfhionghain again brought the knifepoint up and then downward towards Mr. Mendoza in a stabbing motion at least two times while Officers continued to give commands to drop the knife.
26. At this time, an Officer Involved Shooting occurred involving four Officers. Three Officers discharged their Department issued handguns. One Officer discharged a Department issued rifle.
27. Officers broadcasted “Shots Fired” to Dispatch and requested an emergency response from medical personnel.
28. Officers immediately pulled Mr. Mendoza away from Mr. Macfhionghain and rendered medical aid, including CPR. Simultaneously, Officers handcuffed Mr. Macfhionghain, pulled him away from the area, and rendered medical aid, including CPR.
29. San Francisco Fire Department (SFFD) medical personnel arrived on scene and continued to render aid to Mr. Macfhionghain. Mr. Macfhionghain was later pronounced deceased at the scene.
30. SFFD medical personnel arrived on scene, continued to render aid to Mr. Mendoza, and transported Mr. Mendoza to Zuckerberg SFGH where he was later pronounced deceased by medical personnel.
31. On May 24, 2022, the Office of the Chief Medical Examiner determined that Mr. Mendoza’s cause of death was a gunshot wound.

32. On May 24, 2022, the Office of the Chief Medical Examiner determined that Mr. Macfhionghain's cause of death was multiple gunshot wounds.

Additional Information

- Pursuant to Assembly Bill 1506, we notified the California Department of Justice (or Cal DOJ) and provided to them relevant information, including evidentiary materials, in our possession regarding this incident. The DOJ has assumed investigative responsibility for the criminal investigation of this Officer Involved Shooting and we will continue to provide information and assistance as needed or requested.

Subjects

- The first decedent's name is Michael Macfhionghain. His date of birth is April 17, 1965.
- The second decedent's name is Rafael Mendoza. His date of birth is July 28, 1972.

Evidence

- Crime Scene Investigators from the SFPD Forensic Services Division responded to the scene and processed physical evidence from the scene.
- Eleven pistol casings, one rifle casing, two ERIW bean bag casings, and three 40 mm less lethal shell casings were located at the scene. Along with four 40 mm less lethal foam baton projectiles.
- Three fixed-blade knives were recovered at the scene.
- Among the items recovered at the scene were one hammer, a metal socket extender, and a long metal pipe.

Video Footage

- Cellphone video footage provided by the witness captured movement of shadows of the assault incident.
- Officers on scene were wearing Department issued Body Worn Cameras, which were activated at the time of the incident.
- The Body Worn Camera video footage captured the events as they unfolded and video footage of Officers rendering aid.
- Any other video footage should be provided to the California Department of Justice Public Inquiry Unit. They can be contacted by telephone using the following phone numbers: (916) 210-6276 or (800) 952-5225.

Witnesses

- The witness of the assault incident was interviewed.
- Any other witnesses are encouraged to contact the California Department of Justice Public Inquiry Unit at (916) 210-6276 or (800) 952-5225.

Involved Members

- The San Francisco Police Department Officers involved in this Officer-Involved-Shooting are:
 - Officer Trent Collins #52, assigned to Southern Station;
 - Officer Joshua Dequis #334, assigned to Bayview Station;
 - Officer Aidan O'Driscoll #1875, assigned to Bayview Station;
 - Officer Daniel Rosaia #2376, assigned to Southern Station.