- INTERVIEW -

Caceres: Okay, today is March 22, 2018. The time is 5:35 p.m. This is -- uh -- Patrick Caceres with -- uh -- BART Office of the Independent Police Auditor. I'm on the phone speaking with -- uh -- Ms. Mary [redacted] Is that correct?

[redacted] Yes, Mary [redacted]

Caceres: Okay, and then, Ms. -- Ms. [redacted] can you please spell your name for the record, your first and last name?

[redacted] Sure. It's Mary, [redacted], [redacted] [redacted]

Caceres: So -- um -- our office, the OIPA, received a online complaint form from you on Monday, March 19, 2018 at --

[redacted] Uh-huh.

Caceres: -- 11:01 a.m. Um -- do you recall sending that -- uh -- complaint form online?

[redacted] I do recall.

Caceres: Okay, and in the complaint form there are a number of questions -- uh -- one of which asks whether or not you were a victim or -- uh -- a witness to the incident. Were you either one of those?

[redacted] No, I was not a victim or a witness.

Caceres: Okay, and in your own words, can you please tell me what your complaint is?

[redacted] Um -- my complaint is that I am concerned that there has been no public action taken against Officer Mataeu -- um -- for the killing of Shaleem Tindle, an unarmed young man. So, I'm calling because I'm trying to find some -- uh -- a way to ensure that there might be some police accountability -- um -- or some legal consequences, and I'm also curious as to why the Chief hasn't acted yet. So, I'm calling because I'm a concerned citizen -- um -- tired of this stuff

happening to men of color.

Caceres: Okay, and although you're not a victim or a witness to the incident, you have agreed to be a -- uh -- complainant on this case, is that correct? Or in this --

[redacted] That is correct.

Caceres: -- investigation.

[redacted] Yes, that is correct.

Caceres: Excellent, okay. Um -- just to let you know about our process, the Office of the Independent Police Auditor is an independent body. We are separate from the BART Police Department; we conduct our own separate investigations. After we -- uh -- conclude our investigations, we have -- uh -- recommendations towards the allegations of the complaint. Those -- uh -- recommendations are forwarded to the BART -- uh -- Police -- uh -- Citizen Review -- uh -- Commission, and they will look at those -- um -- recommendations, and then they have the ability to -- uh -- agree with, disagree with, change -- uh -- those recommendations. Uh --

[redacted] Uh-huh.

Caceres: After that's concluded, those -- uh -- findings and recommendations go forward to the Chief of Police for implementation. If the Chief disagrees, he has an opportunity to go before the General Manager and appeal those findings. Um -- all that information in regards to the conclusion of the case and the recommendations of OIPA with the -- would be provided to you in writing, as well --

[redacted] Okay.

Caceres: -- as a -- um -- letter that lets you know -- uh -- that you -- that we spoke, and it will also contain my contact information, as well as a case number for you to reference -- uh -- for -- at any time during

the investigation. Do you have any additional questions for me at this time?

[redacted] Yes, I wonder what the time frame will be like for this process in this particular case.

Caceres: So, this particular case, it's very complicated -- um -- for a number of reasons -- uh -- one of which is that there's currently on ongoing criminal investigation. So, the --

[redacted] Okay.

Caceres: -- Alameda County District Attorney is -- uh -- has the ability or has the authority to decide whether or not to criminally charge -- uh -- the subject officer. Um -- but part of that -- uh -- investigation also is -- um -- part of the Oakland Police Department's investigation. So, the incident happened in the City of Oakland -- um --

[redacted] Right.

Caceres: -- and so, they're the main investigators. They're collecting --

[redacted] Okay.

Caceres: -- information about any criminal charges, and they're going to forward that to the District Attorney. Then after that -- um -- we can then move forward with our investigation. However -- uh -- if the family -- um -- chooses to go forward with -- uh -- litigation over the case --

[redacted] Uh-huh.

Caceres: It's possible that our -- uh -- investigation may become tolled to that -- to that completion. So --

[redacted] Okay.

Caceres: We have at most, a year from the date that a person makes a complaint to recommend discipline for the officer, but --

[redacted] Okay.

1 Caceres: -- all of those different circumstances, including the other
2 investigation as well as possible litigation, can extend that period of
3 time. So --
4 [redacted] Okay.
5 Caceres: Such investigations in the past, from my experience, tend to take
6 quite some time, oftentimes a year or more.
7 [redacted] Okay.
8 Caceres: Uh -- and so -- um -- so that -- so -- so it will take some time. But
9 you will have information from -- um -- me that has my phone
10 number --
11 [redacted] Okay.
12 Caceres: -- that you can give me a call if you have questions, and I can tell
13 you where we are at that point -- uh --
14 [redacted] Okay.
15 Caceres: -- in time. So --
16 [redacted] And -- um -- I think that I will probably be moving [redacted]
17 during that time.
18 Caceres: Okay.
19 [redacted] Is it possible to have my stuff sent electronically (inaudible)?
20 Caceres: Yes, I certainly can send you stuff electronically. And you're also
21 welcome to, after you move, to give me a call if you want to receive
22 regular mail updates.
23 [redacted] Okay.
24 Caceres: Uh -- you can give me your new - um -- mailing address. But for
25 the time being -- um -- let me see what information I do have for
26 you as contact information. I think --
27 [redacted] Okay.
28 Caceres: I do have your email address here.

1 [redacted] Yes.

2 Caceres: And let me just confirm that. Um -- I have as your email address

3 [redacted]

4 [redacted] Uh-huh.

5 Caceres: Is that correct?

6 [redacted] Yes, yes, that's correct.

7 Caceres: Okay, and then this mailing address -- um -- correct for at least,

8 let's say a week or so, and that's at --

9 [redacted] Yes.

10 Caceres: [redacted] Is that correct?

11 [redacted] I plan to move in July, so it will be good. But I just -- um -- I do

12 want to stay up to date on the case, and I might be moving out of

13 [redacted], so I hope that I could get electronic updates or that I

14 could touch in with you over email.

15 Caceres: Yes, so that's --

16 [redacted] Okay.

17 Caceres: -- definitely possible, but I'll mail you the initial -- uh -- letter of

18 investigation to --

19 [redacted] Okay.

20 Caceres: -- um -- this address on [redacted] And then --

21 [redacted] Okay.

22 Caceres: -- from there, after July, we can communicate electronically if that

23 works for you.

24 [redacted] Okay, yes, that would be great.

25 Caceres: Okay. Do you have any --

26 [redacted] Okay.

27 Caceres: -- more questions for me?

28 [redacted] Um -- no. Well, so, actually, yes, I do.

1 Caceres: Okay.

2 [redacted] So, the OPD is -- has an open investigation into what's happening

3 and -- um -- once they finish then you guys will be able to get in

4 there?

5 Caceres: Yes, well, I mean, there's a few factors as I mentioned.

6 [redacted] Okay.

7 Caceres: Um -- it also could depend how long, once OPD completes their

8 criminal investigation, it takes for the Alameda County District

9 Attorney to move forward --

10 [redacted] Okay.

11 Caceres: -- with criminal charges or not.

12 [redacted] Okay.

13 Caceres: And then there's also the possibility that there may be litigation

14 that's filed by the family.

15 [redacted] Okay.

16 Caceres: So, (inaudible) so, yes.

17 [redacted] (Inaudible) witness for (inaudible) Oscar Grant was killed.

18 Caceres: Sorry, it's really hard to hear you.

19 [redacted] Yes, I'm sorry, it could be. Um -- (inaudible) Board around when

20 Oscar Grant was killed?

21 Caceres: No, this -- um --

22 [redacted] No.

23 Caceres: This -- this office and the Review Board, Police Review Board --

24 [redacted] Uh-huh.

25 Caceres: -- was created as a result of the Oscar Grant shooting.

26 [redacted] Okay.

27 Caceres: Yes.

28 [redacted] Okay.

Caceres: Yes.

[redacted] And do you -- are you guys funded by BART, like, the -- does your decision -- um -- are you thinking about, like, are we still going to secure funding from BART when you're making your recommendation about what to do with the BART Police?

Caceres: That's a very interesting question. Um -- we are employees of the District. We are employees of BART -- um --

[redacted] Okay.

Caceres: So, we're not totally separate. Our --

[redacted] Right.

Caceres: -- funding though is separate from the general fund.

[redacted] Okay.

Caceres: So, it is separate in that our (inaudible) the party that we report to is to the -- the Board of Directors.

[redacted] Okay.

Caceres: So.

[redacted] Okay. Um -- alright, well, I think that's everything for me for now.

Caceres: Excellent, and if you have any additional questions that come up, feel free to give me a call, and I'll try to answer them as best as I can.

[redacted] Okay, cool, thanks so much. I appreciate your prompt call.

Caceres: Yes, and thank you for -- uh -- contacting us with your concerns.

[redacted] Yes, you're welcome.

Caceres: Have a great day.

[redacted] Okay, thank you. Thank you (inaudible).

Caceres: Bye. (Recording Ends)

TRANSCRIBER'S CERTIFICATION

This is to certify that I, [redacted], transcribed the digitally recorded interview of [redacted] taken on March 22, 2018, that the pages numbered 1 through 7 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

March 31, 2018

[redacted]

[redacted]

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