- RECORDED TELEPHONIC INTERVIEW -

[redacted] Yes.

Caceres: Yes, hi. I'm trying to reach -- um -- Miss [redacted]

[redacted] This is she.

Caceres: Hi, this is Patrick, I'm calling from the Office of the Independent Police Auditor. How are you doing?

[redacted] I'm good, how are you?

Caceres: Okay. So, I first just wanted to get your permission. Is it okay to record our interview?

[redacted] Yes.

Caceres: Okay. Um -- today's date is May 2, 2018, the time is 3:01 p.m. And Miss [redacted] can you just spell your first and last name for the record?

[redacted] My first name [redacted] and last name [redacted]

Caceres: Great. And we received -- uh -- from you an on-line complaint form on April 12th, 2018. Is that correct?

[redacted] Yes.

Caceres: Okay. So, I'm just going to ask you to please describe in your own words the nature of your complaint, and then I'll ask some -- uh -- follow up questions. I also wanted to identify -- um -- our Independent Police Auditor, Russell Bloom is here in my office. So -- um -- I just wanted to make sure that you knew that he was present as well. Is that okay?

[redacted] That's fine, I've met him a couple of times --

Bloom: Hello.

[redacted] -- over at the board meetings.

Caceres: Great. So after you let us know in your own words the nature of

your complaint, like I said, the -- um -- I might have some follow up questions and Russell might have some follow up questions -- uh -- for you just to add more detail. Is that okay?

[redacted] Okay.

Caceres: Okay. So can you let us know what the nature of your complaint is?

[redacted] Um -- there's two things. Uh -- the first is -- um -- the (inaudible) -- um -- you all know the stories and narrative that was told about -- um -- (inaudible) this, you know. Initially it was told that, you know, he was shot because he was pointing the gun at the officer and had refused to comply. And then after we were able to view the body cam, we saw that , you know, you couldn't tell what was going on in the video, and there was no gun being pointed at Officer Mateu. So, you know, my complaint with him was just of the wrongful death of Shaleem Tindle. And -- and I feel like he didn't use any de-escalation techniques or any of the things that I have read -- uh -- in your books according to the protocol that you're supposed to do first -- uh -- for just -- uh -- fatally shooting someone. And I think that, you know, he should have at least been, you know, reprimanded or, you know, taken off of his position, or something. But nothing really happened to him. I mean, he -- he's working two weeks after -- um -- killing somebody and, you know. Then even after that -- uh -- Rojas, you know, offered him a promotion even though he had applied that before -- before this had happened. Um -- from what I've read, that when you're doing an investigation -- um -- everything is supposed to be off until, you know, the investigation is complete. And for what we've been told is that the investigation is still ongoing. So, for

number two, I -- I just feel like his actions were not justified. And I still feel like, you know, he's off of his jurisdiction and, you know, he should have been reprimanded, he needs to be reprimanded in some type of way. [redacted]

Caceres: Uh-huh.

[redacted]

Caceres: Okay. I -- I have some follow up questions -- uh -- for you. Um -- you mentioned it on your form, but I just wanted to get it on record. Um -- were you present at the time of the shooting incident?

[redacted] No.

Caceres: Okay. And were you injured at all from the shooting?

[redacted] No.

Caceres: Okay. And in your statement, you refer to a video that you saw that is different from what Officer Mateu had -- uh -- reported. So, I have just a few questions about that. The video that you saw -- um -- there's different versions of it in terms of length. I just wanted to know which video you're referring to and when and where did you

see that?

[redacted] I saw the same video that everybody else saw.

Caceres: Okay.

[redacted] Um -- and the video that I saw was this -- I'm pretty sure it's the same video that you saw too, there's no different video. The same video, but the only thing that was different is that when BART released it BART circled a couple of things that -- that may perhaps look like something in the video. Uh -- whereas when we talked to -- uh -- the District Attorney Nanc -- Nancy O'Malley she said that that was not how it should have been released because any body can circle anything on a video. And so that's why she was sending outside forensic specialists to -- uh -- actually examine the video. But the initial statement made by -- uh -- Mateu or the representative from BART -- um -- that represented who was -- who was on the scene, but the chief and also the representative had said that, you know, they had told Mr. Tindle to drop a weapon, he was pointing it at the officer, and he refused to comply, then he was shot. So, you know, ourselves as a (inaudible) if that was the case, then of course we would say, hey, you know, you pointed a gun at an officer, I mean, that's the problem was -- uh -- you know.

Caceres: Okay.

[redacted] But after seeing the videos it's totally different there, it was a totally different story. And it was just an outright lie, and that's why I feel like something should be done -- uh -- versus people just saying they're investigating. We -- we haven't seen anything, we haven't got anybody from BART hasn't reached out to us. Um -- I mean, it's just nothing, we haven't got anything and it's just really sad.

Caceres: Uh-huh, uh-huh. So the video that you saw, you saw before BART

1 released it. Is that correct?
2 [redacted] Yes.
3 Caceres: Okay. And then did you see it through another family member or
4 did you see it through online, through an article?
5 [redacted] Saw it through the media.
6 Caceres: Through the media, okay. So you saw it through the media as well.
7 Okay. What was released before BART replied --
8 [redacted] Yes.
9 Caceres: -- with their version. Okay, got it. And when you mentioned and
10 you -- in your written statement, you mentioned that -- um -- you
11 have a sentence that says, he reported initially that Tindle was shot
12 because he asked him to drop a gun. And when I was just talking
13 to you, you said a BPD representative. Are you referring to the
14 BPD representative that did the reporting or Officer Mateu? I'm just
15 trying to clarify.
16 [redacted] Uh -- yeah, in the -- in the statement that was made, it was made
17 by Officer Mateu.
18 Caceres: Okay.
19 [redacted] But when you get on the news, of course all of a sudden Mateu is
20 not on the news it's the representative.
21 Caceres: Got you. So he is Officer Mateu, and the statement that was made
22 that you believe, as you mention here was a lie, was presented by
23 a BPD representative.
24 [redacted] Right.
25 Caceres: Okay, okay. And then also in your statement you talk about Officer
26 Mateu being promoted. So my question for you about that is,
27 where did you hear about that announcement, about the
28 promotion?

1 [redacted] Well that announcement was made through the -- uh -- Chronicle.
2 But the Chronicle had -- uh --
3 Caceres: Okay.
4 [redacted] -- it asked questions about -- uh -- the promotion and asks -- uh --
5 BART, I guess your BART representative, you know, how is he
6 being promoted when he's in the middle of an investigation. And
7 then right after that at the end, it was rescinded. It was in the -- uh
8 -- Chronicle all -- also in the SFGATE.
9 Caceres: Okay. And that's where you read it?
10 [redacted] Yes.
11 Caceres: Got you, okay. Do you have any questions Mr. Bloom?
12 Bloom: Hi -- hi [redacted] thanks for making time to do this -- uh -- at --
13 [redacted] No problem.
14 Bloom: -- appreciate your -- your help. Uh -- I just want to -- as we move
15 forward, making sure that we're as clear as possible that we are
16 looking at any different allegation of misconduct that you are
17 perceiving you want us to look at. But I just want to be a little bit
18 careful because you're mentioning a BPD representative who
19 made an announcement, and I just would like to try to identify that
20 person a little bit better if there's any possibility of doing that.
21 What's your recollection about who that was?
22 [redacted] Well I know when I saw it on the television -- um -- they had said
23 that the -- the statements that were coming through, of course, he's
24 not the person that's going that's going to say it, but, they -- uh --
25 he told them what happened. And that had to be a member of
26 BART, the report, because it (inaudible) from BART. The other
27 person who -- um -- had made the same statement -- um -- was the
28 OPD, they also had a statement as well. And they made a

statement saying, you know, that that will happen. And she was -- uh -- she was a female. Um -- her name right now is not coming to mind.

Bloom: I know who you're talking about, it's probably Johnna Watson (phonetic).

[redacted] Yeah, she was -- she was a female --

Bloom: Uh-huh.

[redacted] -- she was -- you know, just basically repeating what had happened.

Bloom: Sure. So that's with -- this is why I want to make sure that I'm being precise here. So, our jurisdiction is specifically BART Police Department employees, right. So if it's a -- somebody from the office of the BART External Affairs, that's not within our jurisdiction. If it's somebody within OPD, that's not within our jurisdiction. So that's why I just wanted your help to zero in if it was somebody you think wearing a BART PD uniform that's made that misrepresentation.

[redacted] Right, right. Well like I said, I don't want to say a person's name and it's not the correct name.

Bloom: Understood.

[redacted] But from my recolate -- recollection, I mean, there's so many articles. But -- but from my recollection when that first happened -- um -- assuming -- first happened on January 3rd, I remember they -- the news specifically said that BART reported, that BART was the one that reported it, the officers reported.

Bloom: Okay.

[redacted] But this is what happened, and this is why Mr. Tindle was shot.

Bloom: Got it. So whoever -- if they were within BART PD and they made

that statement, your complaint is against that person too?

[redacted] Right, right.

Bloom: Got it.

[redacted] I mean, I just feel like you never make a statement until you know exactly -- um -- you know, the -- the facts.

Bloom: Understood.

[redacted] So that -- that's what I -- that's what I feel, you know. [redacted]

Bloom: Uh-huh.

[redacted] [redacted]. And, you know, for -- for you guys I'm just -- I'm just wondering, you know, as far as these kind of cases are -- are confirmed, it's kind of making us look used too because they tell us that you're in charge of -- not you par -- particularly -- when I say your, but I mean your office, you know, BART is in charge of what happened, because it happened with a BART officer. But then when we go down to OPD, they say, oh, they only handle a certain part and we need to talk to you guys. So it's very confusing to know who we should talk to, who should we -- we complain to because so far, all the steps we've taken hadn't really gotten us any results or any answers.

Bloom: You know what [redacted] I am sorry. Uh -- it must be very confusing and to be -- trying to figure out all -- all this out in the middle of the -- your grief is even more challenging. What I'd like to do is, let's -- um -- just make sure that we have all the information we need as far as the allegations of misconduct.

[redacted] Right.

Bloom: And then if you want [redacted] let's disconnect this call. I'll call you

right back, and let me try to provide a little bit of clarity about the -- the landscape. Is that okay?

[redacted] Okay, that's fine.

Bloom: Okay.

Caceres: Great. Okay. So, I just have a few more things. Um -- one is, I would like to get a good mailing address for you so that we can send you written notification about the investigation. What's a good address that we can send stuff to you?

[redacted] You can send it to -- uh -- [redacted]

Caceres: Uh-huh.

[redacted]

Caceres: [redacted]

[redacted] Uh-huh, Apartment [redacted]

[redacted] [redacted] okay.

[redacted]

Caceres: Okay.

[redacted] [redacted]

Caceres: [redacted] okay. So, I'm just going to read that back. [redacted] Is that correct?

[redacted] Yes.

Caceres: Okay, excellent. Uh -- thank you again for providing -- uh -- this information for our investigation. Um -- so this will conclude our interview. The time is 3:15 p.m.

[redacted] Okay.

(Recording Ends)

TRANSCRIBER'S CERTIFICATION

This is to certify that I, [redacted]; transcribed the digitally recorded interview of [redacted] taken on May 2, 2018, that the pages numbered 1 through 9 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

May 5, 2018

[redacted]

Foothill Transcription Company