

BART RELEASES VIDEO OF POLICE SHOOTING - FAMILY OF - East Bay Times (CA) - February 22, 2018 - page 1A

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OAKLAND >> In BART police body-camera footage of a deadly officer-involved shooting last month, released by the agency on Wednesday, three shots are heard as an officer appears to shoot a man in the back during his last moments.

Shaleem Tindle, 28, was killed at 4:41 p.m. Jan. 3 in the 1400 block of Seventh Street across from the West Oakland BART station. His family had recently viewed a full version of the body cam video and had previously leaked to the media a short cellphone clip they captured during the showing.

The videos do not clearly show Tindle holding a gun, as BART police have insisted, although police cautioned it's just one piece of information that should not be taken out of context.

At a news conference late Wednesday afternoon, apparently responding to the family's release of the shorter video clip, BART Police Chief Carlos Rojas made the full video public for the first time. He also affirmed that the BART officer involved, Joseph Mateu, was back on duty two weeks after the shooting.

Rojas criticized the leaked version's impact on the ongoing investigation.

"I think it does present problems when we're trying to protect the integrity of the investigation," Rojas said. "We do have to remember it is evidence that is graphic and desired by a lot of people to view. ... The video of just one piece of evidence ... it does take the investigation out of context."

The footage released by BART police is the full unedited sequence captured by Officer Mateu's body camera from that day. In the just-over one-minute video, the officer runs to the scene where he sees two men in a scuffle, repeatedly shouting "Let me see your hands" directed at both men.

Tindle has his back to Mateu and was on his knees when he was approached by the officer. Then three shots can be heard, and Tindle is seen rolling over on his back, his empty hands in the air, as he looks over at the officer.

Police said Tindle was shot by Mateu for allegedly refusing to drop a gun. The other man, who appears in the video, had been in a struggle with Tindle and also was wounded. He was said to be shot in the leg, according to witnesses and Tindle's family attorney.

In still photos from the released video, BART officials highlight what appears to be a gun — first in the other man's hand — and then in the next frame on the ground near Tindle as he rolls over on his back.

The chief said authorities believe that the gun may have been in Tindle's hands when he was shot,

and then his hands were up and empty after he was shot by the officer.

He asked the public to reserve judgment until the "natural course of the investigation is complete."

Karim Mayfield, Tindle's brother and a professional boxer, posted the shorter, 20-second video clip online with the caption "... leaked footage of my brothers murder, proving that the police and media lied! My brother was shot in his back unarmed."

An unidentified black object could be seen at Tindle's feet, in between him and the other man, in both the full video and short clip. However, it wasn't identified by authorities on Wednesday.

Oakland police said that the investigation is active and ongoing and would not release any additional information on Wednesday, including the video, said Officer Johnna Watson.

Last week, his family announced they would be filing a claim against BART and the officer, seeking damages for the allegedly wrongful death. They also called for the public release of the video and prosecution by the Alameda County District Attorney's Office against Mateu.

John Burris, the family's attorney, said the video did not support the police narrative of what occurred that day and claims that the police narrative is false. He said Wednesday he wasn't aware that the family even had the short video clip.

He maintains the body-camera video footage shows Tindle was unarmed and appeared to be complying with the officer. The man had his back to Mateu and was bringing his empty hands into the air when he was shot, according to Burris.

"He didn't have a basis to just willy-nilly decide to just recklessly shoot somebody without knowing what in fact that person had done or was doing at the time he shot him," Burris said.

Burris said the officer "didn't have enough information to justify using deadly force."

"There is no lawful or justifiable reason for Officer Mateu to fire three shots into Shaleem's back," Burris said.

The Alameda County District Attorney's Office is investigating the shooting as is the Oakland Police Department.

George Kelly contributed to this report. Contact Angela Ruggiero at 510-293-2469.