UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

June 17, 2019

Return Receipt Requested
Certified Mail #: 7015 3010 0001 1267 1388

In Reply Refer To:
EPA Complaint No. 04R-19-R4

Ms. Cameron Quinn
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, D.C. 20528

Certified Mail #: 7015 3010 0001 1267 1395

Mr. Sloan Farrell
Chief
Public Civil Rights Division
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Referral of Administrative Complaint of Discrimination

Dear Ms. Quinn and Mr. Farrell:

On May 23, 2019, the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) received a complaint from an employee of the Federal Railroad Administration. The complainant alleged that he had been discriminated against on the basis of race (Black) by employees of the Law Enforcement Division of the Georgia Department of Natural Resources (GA DNR).

This complaint involves the actions of officers of the GA DNR Law Enforcement Division during the period of heightened security prior to Super Bowl LIII. Super Bowl LIII had been designated a National Special Security Event (NSSE) by the DHS Secretary[1]. By Presidential directive, the U.S. Secret Service, an agency located within DHS, is the lead agency for design and implementation of operational security plans for NSSEs[2]. DHS provides federal financial assistance to GA DNR. In light of this, due to the subject matter of the allegations, ECRCO is referring the complaint to DHS's CRCL for appropriate handling.

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1 Conversation with Federal Bureau of Investigation Attorney Advisor Kelly Gray, June 14, 2019.
2 *See:* National Special Security Events: Fact Sheet, Congressional Research Service, January 25, 2017, available at: https://www.hsdl.org/?abstract&did=798471

Similarly, the Department of Interior (DOI) provides federal funding assistance to the GA DNR and has an Office of Law enforcement with duties similar to those handled by GA DNR's Law Enforcement Division. As such, due to the subject matter of the allegations, ECRCO is referring the complaint to DOI's Public Civil Rights Division for appropriate handling.

Considering these circumstances, ECRCO is closing this complaint as of the date of this letter. A copy of the complaint as well as a copy of our letter to the Complainant is enclosed. If you have questions about this matter, please contact ECRCO Team Lead Debra McGhee, by phone at (202) 564-4646, by email at mcghee.debra@epa.gov or by mail at 1200 Pennsylvania Avenue, NW, Mail Code 2310A, Room 2524, Washington, DC, 20460-1000.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

Enclosures

cc: Angelia Talbert-Duarte
Acting Associate General Counsel
Civil Rights & Finance Law Office

Beverly Banister
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
EPA Region 4

Leif Palmer
Regional Counsel
EPA Region 4

Daria Neal
Deputy Chief
Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice

Rebekah Tosado, Section Chief
Amy Vance, Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

To: U.S. EPA External Civil Rights

Compliance Office (2310A)

1200 Pennsylvania Ave., NW

Washington D.C. 20460

From: (b) (6) Privacy

Federal Railroad Administration

Railroad Safety Inspector, Operating Practices

Date: May 22, 2019

RE: Georgia Department of Natural Resources (DNR) Violation of Title VI of the Civil Rights Act of 1964

On Jan. 30th, 2019 at approximately 4:30 pm an incident took place involving myself and armed Officers of the Georgia Department of Natural Resources (DNR) and the Georgia Bureau of Investigations (GBI). The following information contained in this correspondence is submitted to your office in support of my claim that I was racially profiled while in the performance of my duties as a Federal Agent of the United States of America. Furthermore, it is my belief that a thorough investigation by an independent agency will show that this incident was in direct violation of Title VI of the Civil Rights Act of 1964.

In addition, Officers of the DNR used their body cams to record their interaction with me AFTER they verified that I was a Federal Agent. It is my understanding that this action may have been in direct violation of the DNR, Georgia Law Enforcement, or Department of Justice policies as it pertains to the recording of other Law Enforcement Officers while they are in the performance of their official duties.

Upon arriving to the Baker Street railroad crossing, downtown Atlanta, Georgia as a credentialed member of the NFL Super Bowl LIII security team, I checked in with the S.A.F.E. (Event Management) employee at this location. Orange cones were set up at the railroad crossing to prevent vehicles from crossing over the railroad tracks and entering the secured perimeter for Super Bowl LIII. The area of this incident is located directly behind the Georgia World Congress Center adjacent to Baker Street.

The S.A.F.E. security employee approached my truck, checked my credentials, and after determining that they were valid he waved me through the cones set up at the railroad crossing at the Baker Street Super Bowl Zone Access point. However, the location where I positioned my authorized personal work vehicle (A 2012 White Dodge Ram 1500 pick-up truck) was not actually inside the Super Bowl security perimeter. When the cones were removed I made an immediate left just before the railroad crossing, onto CSX Railroad

property that I regulate as a Railroad Safety Inspector, Operating Practices for the Federal Railroad Administration, Department of Transportation.

During my initial interaction with the S.A.F.E. security employee, two armed DNR Officers remained stationed at their post about 25 feet on the other side of the railroad crossing. I was later informed that the two DNR Officers at this location were Game Wardens (b) (6) Privacy (b) (6) Privacy.

I then positioned my vehicle adjacent to the railroad tracks and made preparations to conduct my duties as a Railroad Safety Inspector-Operating Practices, for the Federal Railroad Administration. My intentions were to check two railroad track switches and one railroad track derail at this location. In addition, I also planned to observe several CSX Railroad trains that would be operating on tracks at this location.

While putting on my safety equipment I noticed the two DNR Officers (b) (6) Privacy (b) (6) Privacy looking my way while appearing to be discussing my position adjacent to the tracks. After putting on my safety equipment I conducted an inspection of two railroad track switches and one railroad track derail at the location. I performed these official duties in full view of DNR Officers (b) (6) Privacy who stood at their security post approximately 50 feet away. After completing my inspection, a time span of about 15 minutes, I returned to my vehicle where I sat in the driver's position and continued to wait for the CSX trains.

Moments later the two DNR Officers (b) (6) Privacy approached my vehicle. (b) (6) Privacy stepped to the passenger side front window of my truck while GW (b) (6) Privacy stood several feet behind him. GW (b) (6) Privacy began to apologize for the S.A.F.E. employee who initially questioned my credentials. I told him that he was just doing his job. I then briefly explained my duties with the FRA. However, GW (b) (6) Privacy then asked me if he could see the back of my NFL Super Bowl LIII credentials that were displayed around my neck. I then responded that "My credentials are the same as yours" as I flipped the credentials over to show him the back side. At no time did GW (b) (6) Privacy ask to physically examine my credentials nor did he express any concerns regarding fake credentials. Then GW (b) (6) Privacy shook my hand, apologized again for any misunderstanding, and he and GW (b) (6) Privacy returned to their security post about 50 feet away.

About 15 to 30 minutes later two additional DNR Officers arrived on the scene. They were later identified as the DNR on-site supervisor Sgt. (b) (6) Privacy and Corporal (b) (6) Privacy (b) (6) Privacy I observed both having a briefing with (b) (6) Privacy This discussion lasted for approximately 10 minutes. As I observed their interaction from inside my truck, which was parked about 50 feet away, I could clearly see that they were still debating my position adjacent to the tracks and my authority at the location.

At some point Corporal (b) (6) Privacy then approached my vehicle and began questioning my credentials, authority, and reasons to be sitting at the location. I again produced my NFL

Super Bowl LIII security credentials for the third time. In addition, at this time I also displayed my FRA credentials and badge. At no time during this incident did Corporal (b) (6) Privacy nor any of the other DNR Officers ask to physically examine my Super Bowl LIII security credentials due to concerns of fake credentials. They also never asked me to remove my FRA credentials from its holder for examination.

While Corporal (b) (6) Privacy was leaning on and into the passenger frond side window of my truck we began to have a heated debate. At some point I stated to Corporal (b) (6) Privacy "I see where this is going", for which he immediately replied "Oh, let me guess, you are talking about race now", and I replied "You said it, not me." The conversation escalated as I now felt that Corporal (b) (6) Privacy was harassing and intimidating me due to his continued questioning of my credentials, and reasons for being at the location. At this point my credentials had been verified three separate times during this incident. (Once by the S.A.F.E. security employee, once by GW (b) (6) Privacy, and once by Corporal (b) (6) Privacy.

As my exchange with Corporal (b) (6) Privacy became more intensified, I then politely asked him to remove himself from his position on my truck, one in which he was still leaning on and into the passenger frond side window. As Corporal (b) (6) Privacy backed away from my truck I definitely felt Racially Profiled, Harassed, and Intimidated. Also, I was in complete disbelief of what transpired, considering the fact that I produced several forms of Federal and Super Bowl credentials. My credentials were provided to the four members of the DNR security team present during this incident.

Shortly after Corporal (b) (6) Privacy was asked to step away from my vehicle five to six members of the GBI Bomb Squad, to include a bomb sniffing dog, were called to my location. After conducting their on-site investigation, the GBI determined that I was in full possession of the proper credentials. I produced my Federal ID, Federal Credentials, and Super Bowl LIII security credentials issued by the FBI and NFL.

After the GBI Bomb Squad departed I remained at the location and walked over to talk to the four DNR Officers who remained at the security post. At some point while I was talking to DNR on-site Supervisor Sgt. (b) (6) Privacy, Corporal (b) (6) Privacy interjected our conversation and stated that "Because you were rude that's why the GBI was called." This comment was made in the presence of the other three DNR Officers: GW (b) (6) Privacy GW (b) (6) Privacy and Sgt. (b) (6) Privacy.

Again, GW (b) (6) Privacy and GW (b) (6) Privacy were the two DNR Officers who originally approached my vehicle. Eventually, GW was the last DNR Officers on-duty after everyone else involved in this incident left the location. GW (b) (6) Privacy informed me at that time that he tried to tell Sgt (b) (6) Privacy and Corporal (b) (6) Privacy (who arrived at the location after my credentials had already been inspected by both GW (b) (6) Privacy GW (b) (6) Privacy and the S.A.F.E. security employee) that his initial inspection of my credentials determined that they were valid. However, he then informed me that for some reason the other DNR Officers didn't agree with his assessment.

I later determined through my own investigation that there was a procedure in place to determine if a Super Bowl LIII security credential suspected of being fake was indeed fake. This process involved checking the "raised" bar code on the back of the issued Super Bowl LIII security credentials. If an examination of the credential determined that the bar code was not "raised" then the credentials would be considered fake. At no time did DNR Officer's Sgt. (b) (6) Privacy, Corporal (b) (6) Privacy, GW (b) (6) Privacy or GW (b) (6) Privacy ever ask to physically examine my credentials.

It is my belief that Corporal (b) (6) Privacy or the DNR Officers as a group initiated the response from the GBI Bomb Squad only because of a heated conversation with an African-American, who is a Federal Agent, was dressed in plain clothing and driving an unmarked vehicle. It is my professional opinion that the call made by DNR Officers to the GBI Bomb Squad had absolutely nothing to do with my credentials, but more so was a direct result of my being an African-American. Corporal (b) (6) Privacy all but admitted this fact when he stated that "The GBI was called because I was Rude". I believe this incident was one which involved 100% Racial Profiling, Harassment, and intimidation by Officers of the DNR. Furthermore, it is my belief that DNR Corporal (b) (6) Privacy was the primary DNR Officer responsible for the resulting actions described within this correspondence.

To conclude, consider this correspondence a formal complaint against the Georgia Department of Natural Resources (DNR) on the grounds of Racial Profiling, Harassment and Intimidation of a Federal Agent during the performance of his duties. Due to the maliciousness and vindictiveness of the DNR Officers involved, I'm seeking appropriate action on behalf of the U.S. EPA External Civil Rights Office.

Respectfully,

(b) (6) Privacy

Georgia Department of Natural Resources Law Enforcement Division Office of Professional Standards	Internal Affairs Investigation Investigative Report UNFOUNDED
Report completed by Lt. (b) (6) Privacy February 25, 2019	Cpl. (b) (6) Privacy Racial profiling, discrimination, retaliation

January 31, 2019
(b) (6) Privacy was notified by Major (b) (6) Privacy that a Citizen Complaint form needed to be provided to Carmen Patriarca.

(b) (6) Privacy provided the Citizen Complaint form to Patriarca at carmen.patriarca@dot.gov.

(b) (6) Privacy received the following from Patriarca:
Lieutenant (b) (6) Privacy
Thank you for the quick response and for sending the form. I will forward this to our Operating Practice Inspector involved in the incident yesterday. He will complete the form and return to you at his earliest convenience.
Best regards,
Mr. Carmen J. Patriarca Jr.
Regional Administrator
Federal Railroad Administration, Region 3

February 1, 2019
(b) (6) Privacy requested written statements and body camera footage from all DNR Game Wardens who contacted (b) (6) Privacy on the January 30, 2019.

February 2, 2019
(b) (6) Privacy received an email from the complainant, (b) (6) Privacy The email contained the Citizen Complaint form attached and the following:
Lieutenant (b) (6) Privacy
Attached you should find my citizen complaint form regarding the actions of DNR Officers on January 30, 2019. I look forward to your review and response.
Respectfully,
(b) (6) Privacy
Operating Practices Inspector
Federal Railroad Administration, Region 3
Atlanta/North Georgia
(b) (6) Privacy

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Georgia Department of Natural Resources Law Enforcement Division Office of Professional Standards	Internal Affairs Investigation Investigative Report UNFOUNDED
Report completed by Lt. (b) (6) Privacy February 25, 2019	Cpl. (b) (6) Privacy Racial profiling, discrimination, retaliation

February 3, 2019

(b) (6) Privacy reviewed the Citizen Complaint form and WORD document received from (b) (6) Privacy In the complaint, (b) (6) Privacy accused Cpl. (b) (6) Privacy of racial profiling, discrimination, retaliation, intimidation, maliciousness and vindictiveness. To resolve the complaint, (b) (6) Privacy requested that (b) (6) Privacy be terminated.

February 5, 2019

(b) (6) Privacy received and reviewed written statements and body camera footage from the 4 Game Wardens; Sgt. (b) (6) Privacy, Cpl. (b) (6) Privacy GW (b) (6) Privacy and GW (b) (6) Privacy

The statement provided by GW (b) (6) Privacy described (b) (6) Privacy as rude, very suspicious, extremely annoyed, uncooperative and evasive.

The statement provided by GW (b) (6) Privacy described (b) (6) Privacy as loud, aggravated and argumentative. (b) (6) Privacy told officers that the only person he answered to was the President of the United States, that he had the same authority as anyone with a weapon and that someone was going to pay for what happened to him [being screened by LE personnel]. Further, (b) (6) Privacy said he knew he looked suspicious and that LE personnel approaching and checking him out was what they were supposed to do. (b) (6) Privacy told LE personnel that his vehicle was an undercover vehicle. Personnel on scene ran the tag on the vehicle during the encounter and it returned to (b) (6) Privacy it was his personal vehicle. (b) (6) Privacy said he had no ill feelings towards any of the Game Wardens. (b) (6) Privacy told (b) (6) Privacy that he was already upset about [his interaction with] the GBI when he showed up and apologized for delivering (b) (6) Privacy the "brunt of it".

The statement provided by (b) (6) Privacy described (b) (6) Privacy conversation as rude and aggressive. (b) (6) Privacy said that (b) (6) Privacy actions were suspicious and that he was met with a confrontational demeanor when he tried to discuss the matter with (b) (6) Privacy told (b) (6) Privacy "We both know what this is really about, and this is what's wrong with the world today". (b) (6) Privacy later conceded he was insinuating the security check was racially motivated. Prior to the departure of the Game Wardens on scene, (b) (6) Privacy shook everyone's hand and said, "I have no ill feelings toward any of you".

On the body camera footage recorded during the encounter, the exchange between (b) (6) Privacy and (b) (6) Privacy is not extraordinary.

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Georgia Department of Natural Resources Law Enforcement Division Office of Professional Standards	Internal Affairs Investigation Investigative Report UNFOUNDED
Report completed by Lt. (b) (6) Privacy February 25, 2019	Cpl. (b) (6) Privacy Racial profiling, discrimination, retaliation

February 15, 2019

(b) (6) Privacy spoke with (b) (6) Privacy over the telephone. The conversation was recorded (b) (6) Privacy asked (b) (6) Privacy the following questions:

Q) 03:35 Were there any racial slurs used by our officers?
A) No

Q) 04:16 In what way did Cpl. (b) (6) Privacy intimidate you?
A) He initiated the response of the GBI bomb squad

Q) 31:20 Was there any abusive language on the part of our officer?
A) He used no abusive language whatsoever

Q) 33:08 How did he (b) (6) Privacy show a desire to harm [malicious]?
A) At no point was I harmed. The actions that took place after I asked him to walk away from my vehicle, 5-10 minutes later, there was 5-6 bomb members of the GBI called to a federal agent's vehicle.

Q) 45:40 At any time was Cpl. (b) (6) Privacy unfriendly or unprofessional?
A) You could call us both unprofessional, there was no name calling or cursing

Q) 46:40 In what way did he seek revenge [vindictive]?
A) The reactions and the results of the GBI being called were due to the vindictiveness, intimidation tactics, harassment tactics, racial profiling aspect of it, what other conclusion can we come to?

Q) 52:15 What did you mean in your statement when you clarified in the last sentence that you were not detained by DNR or the GBI?
A) Me and my organization and I wanted to make sure that this [encounter] was done for no reason, nothing was done to me.

24:14 When describing his encounter with (b) (6) Privacy said, "I'm going to let you know, at this point, the niceness was over. I've already got my mind made up, if this guy (b) (6) Privacy walks over and asks me for my credentials, a third time after they have already been checked twice, then if he expects me to be nice, he can forget about that".

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Georgia Department of Natural Resources Law Enforcement Division Office of Professional Standards	Internal Affairs Investigation Investigative Report UNFOUNDED
Report completed by Lt. (b) (6) Privacy February 25, 2019	Cpl. (b) (6) Privacy Racial profiling, discrimination, retaliation

February 19, 2019
(b) (6) Privacy nterviewed GW (b) (6) Privacy by telephone.

Q) Did you tell (b) (6) Privacy that you tried to tell Sgt. (b) (6) Privacy and Cpl. (b) (6) Privacy that his credentials were valid?
A) Not sure. I told the SAFE security that.

Q) Did you tell Sgt (b) (6) Privacy that (b) (6) Privacy credentials were valid ("good to go")?
A) Yes

Q) Did you tell Cpl. Tompkins that Pelham's credentials were valid ("good to go")?
A) They were standing together when I told them

Q) Did you call for the GBI ID/Strike team?
A) No, not personally

Q) Were you directed to call for the GBI ID/Strike team?
A) No, I got the tag [number]

Q) Did you hear (b) (6) Privacy tell (b) (6) Privacy that the only reason the GBI was called was because he was rude?
A) I don't remember hearing that. He did say he was acting rude.

Q) Were you briefed on counterfeit credentials?
A) Yes

Q) When were you briefed on counterfeit credentials?
A) Two days into the detail

Q) How many credentials did you check while on the SB detail?
A) 0

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Georgia Department of Natural Resources Law Enforcement Division Office of Professional Standards	Internal Affairs Investigation Investigative Report UNFOUNDED
Report completed by Lt. (b) (6) Privacy February 25, 2019	Cpl. (b) (6) Privacy Racial profiling, discrimination, retaliation

February 19, 2019
(b) (6) Privacy interviewed GW (b) (6) Privacy by telephone.

Q) Why did you ask (b) (6) Privacy about the backside of his credentials?
A) Because of the raised barcode

Q) Were you briefed on counterfeit credentials?
A) Not officially

Q) When were you briefed on counterfeit credentials?
A) On the morning of January 30

Q) When did you learn that checking the backside of the credentials was important?
A) On the morning of January 30

Q) Why did you communicate the encounter with Pelham to Cpl. H (b) (6) Privacy?
A) I didn't believe (b) (6) Privacy it was just weird, I think I tried to call Sgt. (b) (6) Privacy

Q) Did you communicate the encounter with (b) (6) Privacy with anyone besides Cpl. (b) (6) Privacy,
A) Possibly, I can't remember

Q) Did you tell Sgt. (b) (6) Privacy that (b) (6) Privacy credentials were valid ("good to go")?
A) I do not remember

Q) Did you tell Cpl. (b) (6) Privacy that (b) (6) Privacy credentials were valid ("good to go")?
A) I do not remember telling him anything

Q) Did you hear (b) (6) Privacy tell (b) (6) Privacy that the only reason the GBI was called was because he was rude?
A) No. I did not hear that

Q) How many credentials did you check while on the SB detail?
A) 0. At my assignment, there were none to check

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Georgia Department of Natural Resources Law Enforcement Division Office of Professional Standards	Internal Affairs Investigation Investigative Report UNFOUNDED
Report completed by Lt. (b) (6) Privacy February 25, 2019	Cpl. (b) (6) Privacy Racial profiling, discrimination, retaliation

February 20, 2019
(b) (6) Privacy interviewed Sgt. (b) (6) Privacy by telephone.

Q) Why did you respond to the scene of the (b) (6) Privacy encounter?
A) I was the supervisor. There was a report of a suspicious vehicle

Q) Did (b) (6) Privacy tell you (b) (6) Privacy credentials were valid ("good to go")?
A) He said they were the same as what we had

Q) Did (b) (6) Privacy tell you (b) (6) Privacy credentials were valid ("good to go")?
A) He may have

Q) Did you direct (b) (6) Privacy to approach (b) (6) Privacy vehicle?
A) I did

Q) Why did you direct (b) (6) Privacy to "go talk with the driver"?
A) To check why he was there

Q) Did you call the GBI ID team?
A) I had (b) (6) Privacy call Command

Q) Did you direct anyone to call the GBI ID team?
A) (b) (6) Privacy I directed Joseph to get the tag, I ran the tag through Command

Q) Why was the GBI ID team called?
A) Because of where the truck was parked. Where it was sitting, how it was sitting. It was a private vehicle, not a government vehicle. It had a Falcons decal on the door. For these reasons, I made the decision to call the ID team before (b) (6) Privacy contacted (b) (6) Privacy was either approaching (b) (6) Privacy vehicle or had just began talking to (b) (6) Privacy

Q) Did you hear (b) (6) Privacy tell (b) (6) Privacy that the only reason the GBI was called was because he was rude?
A) I don't remember that

Q) What were the duties of DNR Game Wardens at the Superbowl detail?
A) To provide high visibility presence, support SAFE with LE actions and restrict access

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Q) How many credentials did you check while on the SB detail?
A) 0

February 21, 2019
(b) (6) Privacy provided (b) (6) Privacy with the Super Bowl Situational Report (SitRep) for January 30, 2019, SitRep-10. SitRep-10 contains an intelligence report on the use of Fraudulent Credentials. The report warns security personnel to continue to remain vigilant to identify false credentials.

February 22, 2019
(b) (6) Privacy interviewed Cpl. (b) (6) Privacy at LED HQ. Prior to the interview, (b) (6) Privacy read, and (b) (6) Privacy signed the Garrity warning.

Q) Did you record all your enforcement activities with (b) (6) Privacy
A) I didn't have any enforcement activities with him, I was just asked to speak with him at first. (b) (6) Privacy was behind me recording.

Q) Why not?
A) I was just asked to tell him that an ID team was coming.

Q) How long did the unrecorded encounter last?
A) 2-4 minutes

Q) Why did you respond to the scene where (b) (6) Privacy was?
A) I was with Sgt. (b) (6) Privacy.

Q) Why did you approach (b) (6) Privacy as he sat in his vehicle?
A) To tell him that an ID team was coming to talk to him.

Q) Why did you ask (b) (6) Privacy if he was insinuating that your presence had to do with his race?
A) Because he made the statement that "this is what is wrong with the world today". I've heard that before several times. I took it to mean he was insinuating that the only reason we were encountering him was that he was black.

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Q) Did (b) (6) Privacy provide his Super Bowl credentials and his agency credentials to you when you approached his vehicle?
A) He did voluntarily, I never asked for them.

Q) Why was the GBI ID team called to the scene of the (b) (6) Privacy encounter?
A) I did not make that call, I can only assume that it was because of where his vehicle was. His vehicle was beyond the cones where the security guards were stopping vehicles.

Q) Did you call the GBI ID team to your location to screen (b) (6) Privacy
A) No

Q) Did Sgt. (b) (6) Privacy call the GBI ID team to the location?
A) Yes Sir

Q) Did you tell (b) (6) Privacy that the GBI was called because he was rude?
A) No

Q) Did (b) (6) Privacy tell you (b) (6) Privacy credentials were valid ("good to go")?
A) Somebody told me that he had a credential. I don't remember if it was (b) (6) Privacy

Q) Did (b) (6) Privacy tell you (b) (6) Privacy credentials were valid ("good to go")?
A) One of them told me that he had a credential. I remember if they said it was valid.

Q) Were you briefed on counterfeit credentials?
A) Yes, at different meetings

Q) When did that briefing take place?
A) At every meeting. As far as the raised bar code, at the last pre-event meeting. (January 23th)

Q) How many credentials did you check while on the SB detail?
A) Less than 5

Q) Tell me in your words what was unique or extraordinary about the vehicle?
A) What made it stand out was there no government markings, there was a sticker or magnet on the passenger door, it had a personal tag, he said it was an "undercover" vehicle but when

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you ran the tag, it came back to him so it was his personal vehicle, there were very few personal vehicles [at the detail], almost all were government vehicles

Q) You describe in your statement, "rude and aggressive talk" by (b) (6) Privacy Can you expound on that?
A) He was very aggressive, he kept cutting me off, I couldn't talk, he got louder as we went he was talking with his hands in an aggressive manner. You could tell he was agitated about our presence. You could see that he was getting angrier as we were there. After the ID team left, he was madder.

Q) His behavior (b) (6) Privacy was or was not reasonable?
A) It was not, he wanted to argue with police about the fact we were checking him and that normally means there's a reason they don't want you to check them.

Q) During your assignment to the Superbowl detail, did you have any other similar interactions?
A) No Sir

Q) During your assignment to the Superbowl detail, did you have any interactions with people of other races?
A) Absolutely

Summary
In a Citizen Complaint dated February 1, 2019, (b) (6) Privacy accused Cpl. (b) (6) Privacy (b) (6) Privacy of racial profiling, discrimination and retaliation. (b) (6) Privacy complaint centered around an interaction he had with Tompkins and other law enforcement officers on January 30, 2019.

The complaint investigation method involved; a review of (b) (6) Privacy statement and an interview of (b) (6) Privacy, a review of approximately 23 minutes of body camera footage recorded by 4 different DNR Game Wardens who were present during the interaction and a review of written statements provided by the 4 Game Wardens present. Three of the Game Wardens were interviewed as witnesses by (b) (6) Privacy (b) (6) Privacy was interviewed by (b) (6) Privacy as the accused.

On January 30, 2019, (b) (6) Privacy and other law enforcement officers, including 3 other GA DNR Game Wardens- Sgt. (b) (6) Privacy GW (b) (6) Privacy and GW (b) (6) Privacy were assigned to;

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provide high visibility security, support SAFE security and restrict access at the Superbowl event in Atlanta.

GW (b) (6) Privacy questioned (b) (6) Privacy about his presence alongside the CSX railroad tracks near the Baker Street Security Checkpoint. After a brief encounter with (b) (6) Privacy reported the suspicious vehicle to the shift supervisor, Sgt (b) (6) Privacy responded to the scene to investigate. Upon their arrival, (b) (6) Privacy was directed by (b) (6) Privacy to speak with (b) (6) Privacy about his presence there.

The DNR supervisor on scene, Sgt. (b) (6) Privacy made the decision to notify COMMAND about the suspicious vehicle. (b) (6) Privacy instructed another Game Warden, (b) (6) Privacy to make the notification when he arrived on scene prior to the interaction between (b) (6) Privacy (b) (6) Privacy made his decision based on where (b) (6) Privacy truck was parked. (b) (6) Privacy said he was concerned about where it was sitting and how it was sitting. (b) (6) Privacy said it was suspicious that the vehicle was backed up at the base of a concrete parking deck. (b) (6) Privacy said there was vehicle and pedestrian traffic in the area that he was concerned about. (b) (6) Privacy said the vehicle being backed in could have indicated the driver was trying to conceal the tag. (b) (6) Privacy also observed that it was a private vehicle, not a government vehicle and that it had a "Falcons decal" on the door. Additionally, the vehicle was not placarded which was required of all vehicles in the venue perimeter.

After the ID team screened (b) (6) Privacy and left the scene, (b) (6) Privacy approached the Game Wardens standing across the railroad tracks. On body camera footage, (b) (6) Privacy shook the officer's hands and said, "I have no ill feeling toward any of you. I can tell you that this whole situation should have never happened". (b) (6) Privacy then pointed at (b) (6) Privacy and said, "I won't blame it on you cause you, you wasn't here and you got the picture all messed up, by the time you came over I was already upset." (b) (6) Privacy then said, "I know, and I caught the brunt of that." (b) (6) Privacy then responded, "I hate for the fact you caught the brunt of that, but I can tell you right now, the way this all went down, that, that, be glad you ain't gonna have nothing to do with that".

When describing his encounter with (b) (6) Privacy told (b) (6) Privacy "I'm going to let you know, at this point, the niceness was over. I've already got my mind made up, if this guy ((b) (6) Privacy walks over and asks me for my credentials, a third time after they have already been checked twice (by SAFE and (b) (6) Privacy, then if he expects me to be nice, he can forget about that".

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Georgia Department of Natural Resources Law Enforcement Division Office of Professional Standards	Internal Affairs Investigation Investigative Report UNFOUNDED
Report completed by Lt. (b) (6) Privacy February 25, 2019	Cpl. (b) (6) Privacy Racial profiling, discrimination, retaliation

(b) (6) Privacy asked (b) (6) Privacy if Cpl. (b) (6) Privacy was unfriendly or unprofessional during their encounter. (b) (6) Privacy responded, "You could call us both unprofessional, [but] there was no name calling or cursing". (b) (6) Privacy further stated that there were no racial slurs or abusive language used by (b) (6) Privacy In his complaint, (b) (6) Privacy used the words, intimidation, vindictive and malicious to describe (b) (6) Privacy (b) (6) Privacy said (b) (6) Privacy intimidated him by calling the GBI bomb squad to the scene and that by calling the GBI, Tompkins was vindictive. When asked about (b) (6) Privacy being malicious, (b) (6) Privacy said that though he was not harmed [by (b) (6) Privacy the GBI showed up after his encounter with (b) (6) Privacy (b) (6) Privacy said the encounter was done for no reason, and that nothing was done to him (such as being arrested).

(b) (6) Privacy said he did not know that (b) (6) Privacy was black until he walked up to the vehicle and (b) (6) Privacy rolled the window down. (b) (6) Privacy did not make the request for the ID team, they had already been requested as he approached the vehicle.

The investigation finds no cause to substantiate the allegations, the complaint on (b) (6) Privacy is UNFOUNDED.

Nothing Further

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