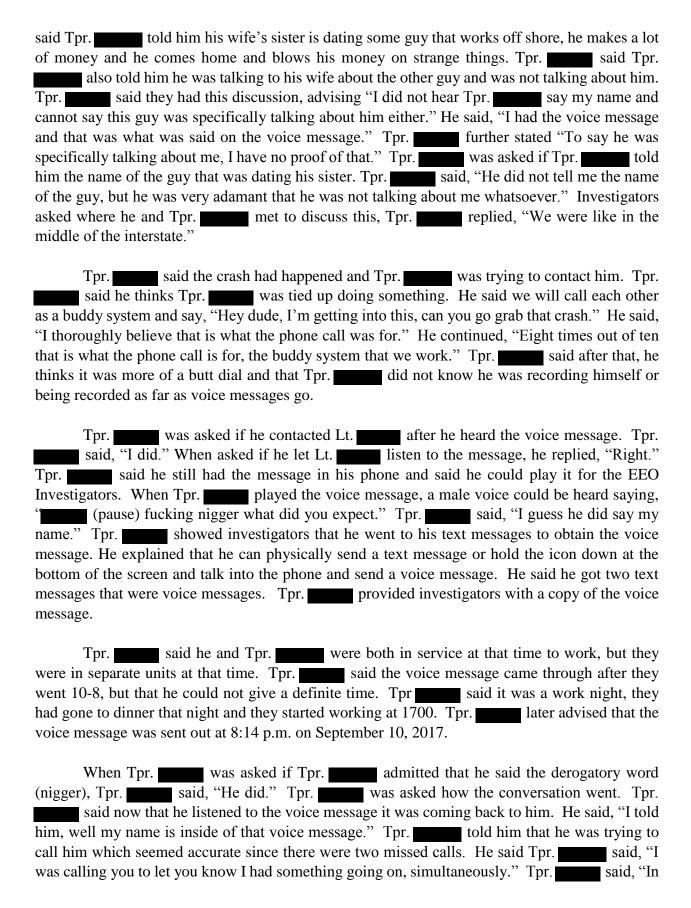
INVESTIGATIVE REPORT

PREPARED BY:	CAROL TILLMAN BYRON SAM
	EEO OFFICERS
COMPLAINT:	RACIALLY DEROGATORY COMMENT
COMPLAINANT:	TPR. TROOP L
ALLEGED OFFENDER:	TPR.
DATE RECEIVED:	SEPTEMBER 15, 2017
REPORT DATED:	NOVEMBER 16, 2017
EEO CASE #	2017-08
white male,	ors have concluded their investigation into an allegation that Tpr. Troop L, sent a racially derogatory voice message to Tpr. Explaint was received in this office on September 11, 2017.
that he had received can be heard saying	ember 10, 2017, Lt. Troop L, was notified by Tpr. a recorded voice message from Tpr. wherein Tpr., "Grand (pause) fucking nigger what'd you expect." Lt.
	and reported the incident up his chain of command. According to Lt. told him that he had been speaking with his wife and that his
, 1	nversation and sent the voice text to Tpr. (See Attachment

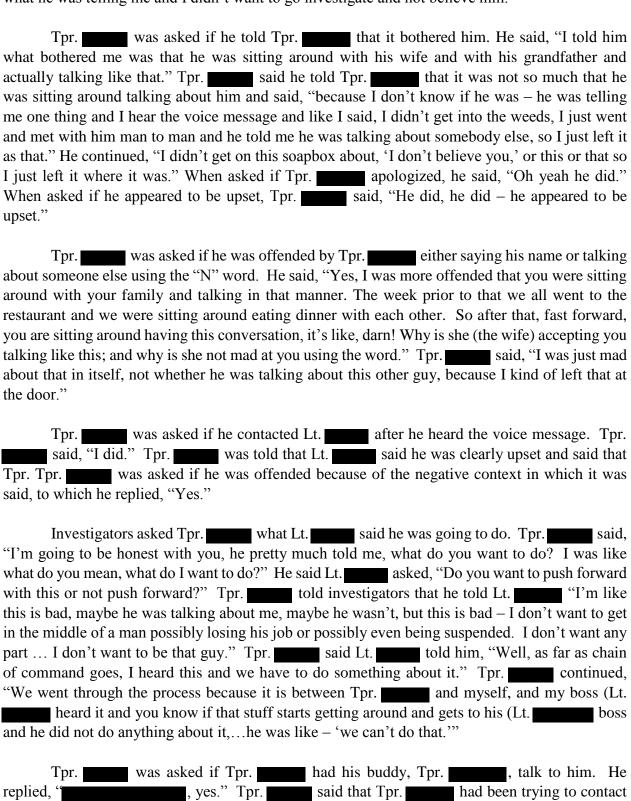
INVESTIGATION

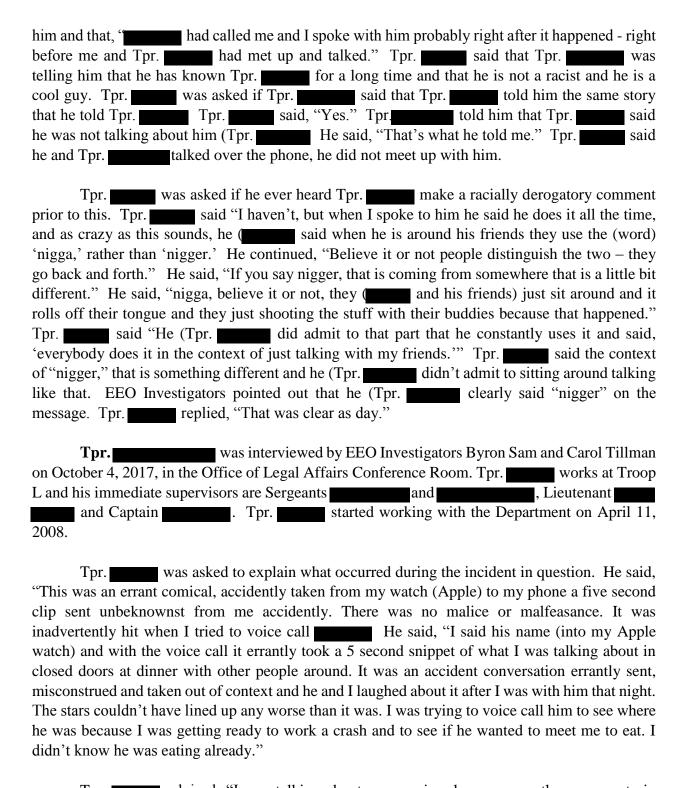
The following individuals were interviewed during the course of the investigation:

Tpr. (black/male), Troop B Tpr. (white/male), Troop L
Allegation Number 1: On September 10, 2017, Tpr. received a recorded voice message from Tpr. wherein Tpr. can be heard saying, "grave (pause) fucking nigger what'd you expect."
Tpr. was interviewed by EEO Investigators Carol Tillman and Byron Sam on October 4, 2017, in the Office of Legal Affairs conference room. Tpr. works at Troop B. His chain of command is Sgt. Robert Sgt. and Lt. Tpr. has approximately six months with the Department. He recently transferred from Troop L to Troop B on September 11, 2017.
Tpr. was asked about the allegation that he received a racially derogatory voice message on September 10, 2017. Tpr. advised that he was sitting down eating dinner with Lt. and Tpr. He said he was on the night shift. Tpr. advised that after a crash went out over the radio, they were waiting on someone to answer to the crash call when Tpr. answered for the crash over the radio. Tpr. advised that he had his cell phone inside of his vehicle. He said after they finished eating he went out to his car and he saw he had two missed phone calls from Tpr. and two voice messages. Tpr. said with technology today, you can text someone or you can send a voice message through your text message.
Tpr. said the first voice message was just a couple of seconds and it did not say anything, so he thinks it may have been a pocket dial, explaining that Tpr. may not have even known he had called. Tpr. said the second message he heard was, "Because he is a fucking nigger, what do you expect?" Tpr. was asked if Tpr. called him by name. Tpr. said, "I did not hear him call me by name." Tpr. was asked if he heard anything else. He said, "No, that was it." Tpr. was asked if he heard Tpr. wife or anyone else talking in the background. He said he knew there were other people there because he spoke with Tpr. about it, and he (Tpr. told him the whole entire picture. Tpr. said Tpr. told him he was at the dinner table with his wife and grandfather. Tpr. said he could hear the voices in the background, but could not understand what they said.
Tpr. was asked to recall what Tpr. told him. Tpr. said Tpr. as far as he knew was a good guy and he liked him a lot. Tpr. said Tpr. called and said it was important for them to catch up and talk about the voice messages. Tpr. said he contacted Tpr. that same night and they got together and spoke man to man. Tpr.



speaking with him, I did not try to investigate and I did not go outside of what he was telling methat he was talking about somebody else because I didn't want to make a bad relationship out of what he was telling me and I didn't want to go investigate and not believe him."





grandfather and I say (into my Apple watch) call and I'm calling to talk with him. My grandfather asked, 'why can't that boy pay his bills?' and I shouldn't have said it, and said, 'nigger what do you expect.' I meant that derogatory toward him as a white person not toward a black person." Tpr. said, "I immediately apologized for it, I didn't even know that the message got sent, but, it was a third party communication and wasn't meant to be sent to anybody. It was a literal five second snippet of a conversation I was having, it had nothing to do with anything work related; I told it would be like me accidently sending a picture of my naked wife to someone. I didn't mean for this to happen. I didn't do it for any malicious or malfeasance intent or anything like that. I shouldn't have said it. It was accidental and it wasn't supposed to get out."

Tpr. told investigators that he played ball all through high school and that he had black roommates. He said, "I'm the least person to ever get caught up in this, because it means nothing to me. I say it with them and they call me things as a white dude. I lived with them in dorms, playing baseball and football in college. It's gone back and forth for so long, now for this to happen. It hurt me on the inside because it wasn't supposed to be like this."

Tpr. stated, "I was saying 'call and it (my Apple watch) picked up in the middle of my conversation." He said, "My wife asked 'Who are you working with tonight?' The conversation happens over dinner and starts well before it leads up to that. I had my hand over my watch. My wife and grandfather were sitting there." Tpr. said, "Thirty minutes before (this) I had a call from a collection agency and my grandfather asked why he (cousin) doesn't pay his bills. I didn't mean for that to be directed toward him (Tpr. I'm trying to call him and then I'm having a conversation that's not related to him; it's poor phrasing, but it wasn't about a black guy." When asked where they were at when they had the conversation, Tpr. stated at his grandparents' house. Tpr. advised that he was on duty. He stated he never had been any problems at work, never have been accused of anything. He said, "Never had a blemish of any kind before, I apologized for it, and I said I was sorry; I shouldn't have used it, even behind closed doors, but, it was behind closed doors and it wasn't supposed to get out. It wasn't me talking about (it) and not that it matters because I still used the word but, it wasn't me talking about a black person, it was a terrible thing to say and I apologized for it."

Investigators asked Tpr. about his conversation with Lt. Tpr. said Lt. told him, "Look man, it happens, but being it was brought to my attention I need to tell somebody with the way things are now days." Tpr. said Lt. told him that Tpr. did not want to pursue it. Tpr. said Lt. told him, "We know you're not a racist, we're friends and we have been friends a long time." Tpr. said Lt. talked with Tpr. about it and then he and Tpr. talked about it too. He said that Tpr. told him he understood; it (nigga) is on his phone in text messages fifty times between his friends. Tpr. also said that does not give him permission to do (use the word) it. Tpr. said Tpr. told him that it is 2017; people say things and it is in every rap song. Tpr. stated that Tpr. told him that if he looked in his (Tpr. text messages he would see him (Tpr. saying it. Tpr. advised that Tpr. told him he just wanted

to get it from him (Tpr. on how it went. Tpr. said he and Tpr. are friends, saying, "I like him a lot, that's why it hurt me so much. I told him that it was errant and wasn't supposed to get out, it's like you and your wife talking or your friends talking, it wasn't supposed to get out. It wasn't me being derogatory toward somebody, it was toward a family member, but it wasn't supposed to leave. It was a bit message. I didn't mean for any of this to happen. I didn't mean for any of this to come to light."

Tpr. advised that they are all friends and they both 'FTO'd' Tpr. advising that they are very close. Tpr. said that Tpr. asked him, "Dude, did you mean to send me that message?" Tpr. also advised that he told Tpr. "I dated a black girl in college, I am not that person. I told to find out if is mad at me." Tpr. advised that investigators were told that he said he always uses the word, "nigga," and that everybody uses it. Tpr. are replied, "That doesn't make it right, I never said I was right and that I was wrong and I apologized for it. I said I was sorry and I'm not hiding the fact that I said it. I'm saying the context in which it was interpreted is completely different than the one it is like when someone cuts you off in traffic and you call them a dumb mf and get caught on, it's not meant for anyone to hear. It wasn't meant to be derogatory to anyone; it was an accident. I said I'm sorry."

Tpr. said, "I said dude, I played ball in college, they make fun of me." Tpr. said, "We say it to each other. It's in my phone 20 times in one text message." Tpr. said, "I said it's different because you can say it and it's okay, but he understood." Tpr. said three days ago he and a black trooper on his shift were talking about a spot that opened up and Tpr. said he asked him if he did a resume' and the trooper looked at him and said, "nigga please." Tpr. said, "Now I feel like people are looking at me like I'm Mark Furhman or something; but I'm not, I didn't mean for this to happen. It was me talking about a white guy and I shouldn't have said it."

Tpr. was asked if he was angry at the guy he was talking about. He stated "yes," it was his first cousin. He said, "It was an accidental slippage of the tongue, accidentally taped and sent and that's all it was to it." Tpr. was asked if the word "nigga" is used in the workplace. Tpr. was said it was not used in the workplace. He said Tpr. wanted to make sure it was the "nigga" and not the "nigger" word because it has a different connotation. Tpr. said he told Tpr. "Anyway I say it, it sounds terrible because I'm a white red neck from north Mississippi." Tpr. said he apologized for it and they hugged afterwards. Tpr. said Tpr. last words to him as he was leaving were, "This will never come up again, you don't have to ever hear about this again from me ever." Tpr. said he told Tpr. several times they could go talk to the captain and tell the captain he was wrong. Tpr.

replied, "You will never hear about this from me again, don't worry about, don't leave here feeling bad."

Investigators' Impression:

On September 10, 2017, Tpr. received a recorded voice message from Tpr. wherein Tpr. can be heard saying, "graded" (pause) fucking nigger what'd you expect." Tpr. admitted to sending the voice message to Tpr. There is sufficient evidence to support a determination that Tpr. sent the racially derogatory voice message as alleged and that Tpr. who was working at the time he received the message, was offended.

CONCLUSION

The Department has adopted a Discrimination and Harassment Compliant Procedure that provides in pertinent part as follows:

C. Prohibited Conduct

- 1. To ensure that all Department employees enjoy a work environment free from harassment and discrimination, no employee shall harass or discriminate against any employee or other worker because of race, color . . . or any other basis prohibited by law. Prohibited conduct includes but is not limited to:
 - a. ...
 - b. Making offensive or derogatory statements, comments, slurs or gestures because of a person's race, color, ...national origin, ...or any other basis prohibited by law...

American co-worker, a voice message with language that is racially derogatory towards African Americans. Tpr. ______ maintains however that the derogatory language was spoken during a private conversation with his wife and grandfather that was recorded and sent without his knowledge. Tpr. ______ maintains that when he used the derogatory word, he was not using it in reference to a black man, but using it with reference to his white cousin, who despite earning a good salary does not pay his bills. He admitted, however, that he was angry at his cousin when he used the word, and that it was meant to be derogatory albeit "derogatory toward him (his cousin) as a white person not toward a black person." He also admitted to investigators that he always uses the word "nigga," attempting to draw a distinction between that word and the word "nigger." The voice message clearly reflects that Tpr. _____ used the second version of the word, which by Tpr. _____ own admission is derogatory.

