

Submission to Department of Homeland Security Office of the Inspector General
Inaccuracies within the Deposition of USSS Special Agent Ellen Ripperger

pdf page(s) 7,8; deposition page(s) 23,24,25.

It is simply implausible that a person could be accused of malfeasance and a record was made that could completely and totally exonerate them from any misconduct, yet they cannot remember when they first reviewed the record, when they found out such a record vitally important to the defense of their career was destroyed, and who informed them that this record was destroyed. Any normal person would have immediately pulled up the record and reviewed it.

pdf page(s) 8; deposition page(s) 28.

It is not credible that Special Agent Ripperger was informed that the audio of [REDACTED] exam was corrupted, and this audio was vital to defending her reputation as an examiner, yet she made no effort to discern when the audio problem manifested itself by reviewing exams before and after [REDACTED]

pdf page(s) 9; deposition page(s) 30.

It is not believable that Special Agent Ripperger is deposed in October, yet listened to the audio of the exam she is being deposed on last in August. The audio was a contentious issue in this matter and it was certainly to be a topic of discussion during the deposition, so it is not credible that the last time she listened to it was three months prior to her deposition. On knowledge and believe, the USSS spent one week prepping her for the deposition.

pdf page(s) 22; deposition page(s) 81.

The statement that it was mentioned that [REDACTED] took a Xanax the night before the exam was only made a single time was a falsehood by Special Agent Ripperger. The topic of the taking of the Xanax came up several times during the interview process in which [REDACTED] was berated for doing so.

pdf page(s) 22; deposition page(s) 84.

Special Agent Ripperger made a distinct point of mentioning the infallibility and accuracy of polygraphs several times during the examination process at length, even referring to studies or conclusions drawn by noted authorities on their reliability. [REDACTED] countered with the fact that the National Science Foundation said they are unreliable and that no study [REDACTED] was aware of which did not have a financial interest in the validity of polygraphs found them to be any more accurate than 60 to 80 percent. Special Agent Ripperger was not making a truthful statement here. Further, the statement that "That's not the sort of thing I would say in an exam" is also

probably untrue. If the statements about the infallibility of polygraphs were made to [REDACTED] it is highly probable that such statements were made to other polygraph examinees, and the behavior did not originate with [REDACTED] exam.

pdf page(s) 25; deposition page(s) 96.

Special Agent Ripperger did criticize [REDACTED] for taking a Xanax the night before the exam. The statement Special Agent Ripperger made that she did not criticize [REDACTED] for taking a Xanax the night before the exam is a materially false statement. Special Agent Ripperger said words to the effect that [REDACTED] was guilty or trying to hide something and that was why he took a Xanax the night before the exam. [REDACTED] countered that he told Special Agent Ripperger that he admitted he was a little nervous when she asked how he felt before the exam, and she said it was perfectly natural to be a little nervous. If it was perfectly natural to be nervous about the exam, why should he not have taken something to help him sleep the night before when that was the condition for which the medication was prescribed? Further, it was untrue the topic never came up again because it did after [REDACTED] was done answering questions in the chair.

pdf page(s) 26; deposition page(s) 98,99.

Special Agent Ripperger told three lies on lines 18-22 & 1.

1. Special Agent Ripperger did tell [REDACTED] he failed the exam in no uncertain terms. To the effect of "Well you FAILED."
2. Special Agent Ripperger did tell [REDACTED] he was lying and that it was insulting to be lied to.
3. Special Agent Ripperger did tell [REDACTED] that she did not believe him when he maintained his innocence of the things Special Agent Ripperger accused him of (drug use and serious crimes.)

pdf page(s) 26; deposition page(s) 99,100.

Special Agent Ripperger did bring up of her own volition that [REDACTED] had an alcoholic father and did make a suggestion to the effect that because he came from a broken home with an alcoholic father it would be understandable if he experimented with drugs.

pdf page(s) 28; deposition page(s) 103, 104, 108.

Special Agent Ripperger did ask [REDACTED] if he liked to start fires. The language used was similar to "How about it [REDACTED] you like to start fires?" She denies doing this three times in the deposition, but she did in fact ask [REDACTED] if he liked to start fires in a sarcastic and accusatory manner.

pdf page(s) 29,31; deposition page(s) 112,113.

██████ was adamant that if given a second polygraph it would be by a different examiner. It was never initially no, but then maybe as Special Agent Ripperger implies in the affidavit. ██████ did state that if given a second polygraph he wanted a different examiner to perform the second polygraph exam because Ripperger did not obtain correct results when she polygraphed him. This was never, as implied, a suggestion, and that he was willing to have Agent Ripperger retest him.

pdf page(s) 30; deposition page(s) 114.

Despite Special Agent Ripperger's inability to recollect this, she did borderline shout at ██████ to keep his feet still during the exam.

pdf page(s) 31,32; deposition page(s) 120,121.

Again, a similar question to: pdf page(s) 7,8; deposition page(s) 23,24,25.

It is simply implausible that a person could be accused of malfeasance and a record was made that could completely and totally exonerate them from any misconduct, yet they cannot remember when they first reviewed the record, when they found out such a record vitally important to the defense of their career was destroyed, and who informed them that this record was destroyed. Any normal person would have immediately pulled up the record and reviewed it.

pdf page(s) 31,32; deposition page(s) 120,121.

Very significantly, Special Agent Ellen Ripperger states she could hear the pretest on the audio of the exam. However, the only audible portion of the exam is the first minute. (There is a portion in the center of the exam in which some discrete words can be heard through significant static and attenuation, but it is impossible to discern what is said, let alone in what context.) If Special Agent Ellen Ripperger told the truth, and she could in fact hear the pretest, then a proper audio file was made of ██████ exam and did exist at one time, but was destroyed by someone with access to the file prior to ██████ discovery motion being granted; or the USSS provided ██████ a doctored audio file, and the possibility exists that someone at the USSS still has access to the original uncorrupted audio file of ██████ polygraph exam.

pdf page(s) 32,33; deposition page(s) 124,125.

It is simply not credible that Captain Macon contacted Special Agent Ripperger telling her a complaint was filed against her for her conduct during ██████ polygraph examination but she could not be bothered to either listen to or retrieve the audio file which could prove she committed no misconduct during ██████ polygraph examination.

pdf page(s) 34; deposition page(s) 131.

Despite Special Agent Ripperger's failure to recall this, she did say to [REDACTED] after he volunteered to retake the examination after being told that he failed on the questions regarding drug use and serious crimes something very close to the effect of "You don't have to take it again, I have all I need."

pdf page(s) 34; deposition page(s) 131.

Despite Special Agent Ripperger's failure to recall this, Special Agent Ripperger did state to [REDACTED] something to the effect of "You're just throwing me a bone" after [REDACTED] made an admission to a minor traffic violation during his examination.

pdf page(s) 39; deposition page(s) 151.

If a person's direct supervisor reviewed an affidavit they wrote, and asked them to make material changes, a competent person would remember at least some the changes they were asked to make (and if they were smart they would make a record of those changes they were directed to make), or at the very least know the level of significance of the changes that they were asked to make to their affidavit. Special Agent Ripperger claims to know neither, and that simply is not credible or believable.