

Deposition of Ed Alston  
Conducted on October 18, 2016

1  
2 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
3 Baltimore Field Office  
4 -----x  
5 [REDACTED] :  
6 Complainant, :  
7 v. : EEOC No. [REDACTED]  
8 JEH JOHNSON, : Agency No.  
9 SECRETARY, U.S. : [REDACTED]  
10 DEPARTMENT OF HOMELAND :  
11 SECURITY, :  
12 Agency. :  
13 -----x  
14 Deposition of ED ALSTON  
15 Washington, D.C.  
16 Tuesday, October 18, 2016  
17 10:23 a.m.  
18  
19  
20 Job No.: 125413  
21 Pages: 1 - 79  
22 Reported By: Victoria Lynn Wilson, RMR, CRR

1  
2 Deposition of ED ALSTON, held at the offices  
3 of:  
4  
5 UNITED STATES SECRET SERVICE HEADQUARTERS  
6 950 H Street, NW  
7 Washington, DC 20223  
8 (202) 406-8800  
9  
10  
11  
12  
13 Pursuant to agreement, before Victoria Lynn  
14 Wilson, Registered Merit Reporter, Certified  
15 Realtime Reporter, Notary Public in and for the  
16 District of Columbia.  
17  
18  
19  
20  
21  
22

3  
4 A P P E A R A N C E S  
5 ON BEHALF OF THE COMPLAINANT:  
6 THOMAS J. GAGLIARDO, ESQUIRE  
7 AMERICAN FEDERATION OF GOVERNMENT  
8 EMPLOYEES, AFL-CIO 1923  
9 6401 Security Boulevard  
10 1-G-15 1720 Ball Building  
11 Mailstop 1720  
12 Baltimore, MD 21235  
13 (410) 966-1531  
14  
15 ON BEHALF OF THE AGENCY AND THE WITNESS:  
16 TODD WALLACE, ESQUIRE  
17 UNITED STATES SECRET SERVICE  
18 950 H Street, NW  
19 Room 8300  
20 Washington, DC 20223  
21 (202) 406-8800  
22  
23 ALSO PRESENT:  
24 [REDACTED]

4  
5 C O N T E N T S  
6 EXAMINATION OF ED ALSTON PAGE  
7 By Mr. Gagliardo 7  
8 By Mr. Wallace 68  
9 By Mr. Gagliardo 71  
10 E X H I B I T S  
11 (Attached to Ellen Ripperger 10/18/16 transcript)  
12 EXHIBITS PAGE  
13 Exhibit 1 Report and discovery materials 7  
14 Exhibit 2 Polygraph Examination Procedures 66  
15  
16  
17  
18  
19  
20  
21  
22

5

1 PROCEEDINGS  
2 ED ALSTON,  
3 having been duly sworn, testified as follows:  
4 EXAMINATION BY COUNSEL ON BEHALF OF THE COMPLAINANT  
5 BY MR. GAGLIARDO:  
6 Q Good morning. How are you?  
7 A **Good morning.**  
8 Q Would you identify yourself, please.  
9 A **Ed Alston, Special Agent, U.S. Secret**  
10 **Service.**  
11 Q Is it proper to call you "Agent Alston"?  
12 A **"Ed" is fine.**  
13 Q "Ed" is fine. All right. I'm Tom.  
14 Have you ever -- you've given a deposition  
15 before, have you not?  
16 A **Yes.**  
17 Q And tell me, just very briefly, as a  
18 Secret Service agent or other reasons?  
19 A **Other reasons.**  
20 Q Okay. Civil cases? Criminal cases?  
21 A **Civil cases.**  
22 Q Okay. I won't go into a lot of details.

6

1 You know the routine, though.  
2 A **You'll ask; I'll answer.**  
3 Q Okay. That's the routine.  
4 If I ask you a question that you don't  
5 understand, please tell me and I'll repeat the  
6 question, try to clarify it for you.  
7 A **Okay.**  
8 Q If you don't hear me, the same thing; tell  
9 me you haven't heard and I'll repeat the question.  
10 A **Okay.**  
11 Q All right. Is there any reason why you  
12 can't give a deposition this morning?  
13 A **No.**  
14 Q Okay. What did you do in preparation for  
15 this deposition? And if you talked to counsel, just  
16 tell me you talked to counsel. I'm not asking you  
17 what the discussion was.  
18 A **Spoke to counsel.**  
19 Q Okay. Did you read anything?  
20 A **Reviewed some things.**  
21 Q Okay. What did you review?  
22 A **The actual report itself for the**

7

1 **examination, the file number 175-802-20141257.**  
2 Q All right. And that's the report  
3 concerning [REDACTED]  
4 A **Yes.**  
5 Q Okay. Mr. [REDACTED] is sitting to my right.  
6 Have you ever seen Mr. [REDACTED] before, ever met him?  
7 A **Not to my knowledge.**  
8 Q Okay. Now, when you you say, "the  
9 report" -- let me explain what I've given you.  
10 We've marked as Exhibit 1 materials that were  
11 provided in response to a discovery request.  
12 (Exhibit 1 was marked for identification  
13 and is attached to the Ellen Ripperger 10/18/16  
14 deposition transcript.)  
15 A **Okay.**  
16 Q And I've given them to you in the order as  
17 best as I know in which they were received. When  
18 you say, "the report," are you talking about this  
19 entire package or only parts of it or are you  
20 talking about something that's not included in the  
21 package?  
22 A **Parts of the package.**

8

1 Q Okay. Tell me, did you review pages 8 and  
2 9?  
3 A **Yes.**  
4 Q Okay. And there's a signature on the  
5 bottom of page 8. Is that your signature?  
6 A **Yes.**  
7 Q There's a signature on the bottom of page  
8 9. Is that your signature?  
9 A **Yes.**  
10 Q All right. If you'll turn to page 11,  
11 please, there are two signatures on that page. Is  
12 one of them your signature?  
13 A **Yes.**  
14 Q All right. Did you review anything --  
15 when you say you reviewed the package, did you  
16 review anything other than those three pages?  
17 A **Yes.**  
18 Q Okay. What did you review? If you need a  
19 moment, please take as much time as you need.  
20 A **The following pages would have been part**  
21 **of what I reviewed: 15, 16, 17, a copy of 18,**  
22 **probably not this exact form because it has a**

9

1 signature on it that I may not have had access to --  
2 Q All right.  
3 A -- 19, 20, 21, page 2 --  
4 Q Page 2?  
5 A -- yes, page 2, 3, 4, 5, 6, 7 --  
6 Q And you're up to 8, which we already  
7 talked about, I guess, but go ahead. I don't mean  
8 to interrupt you.  
9 A -- page 10 --  
10 Q 8, 9, and 10?  
11 A Yes, 8, 9, and 10.  
12 Q Okay. 11 is the page with your signature  
13 on it.  
14 A Yes. I said page 5; correct?  
15 Q I have everything from 2 through 11.  
16 A Okay. I probably would have reviewed some  
17 form of page 54.  
18 Q Okay.  
19 A Yeah, that would probably be it at this  
20 point.  
21 Q All right. I neglected to ask you at the  
22 beginning. What is your job title?

10

1 A Special agent currently assigned to the  
2 polygraph division.  
3 Q Are you a supervisor or a manager?  
4 A No.  
5 Q How long have you been with the agency?  
6 A 18 -- a little over 18 years.  
7 Q Do you have law enforcement experience  
8 outside of United States Secret Service?  
9 A Yes.  
10 Q What is that, sir?  
11 A Police officer, Prince George's County,  
12 Maryland, for eight years.  
13 Q Prior to coming to Secret Service?  
14 A Prior to coming to the Secret Service.  
15 Q Any other experience in law enforcement?  
16 A No -- military police during the first  
17 Gulf War.  
18 Q Two years? Four years?  
19 A I was in the National Guard, so I did six  
20 months, like I said, during the first Gulf War.  
21 Q All right. How long have you been -- when  
22 were you first trained in polygraph examinations and

11

1 related fields?  
2 A 2002.  
3 Q And that's through the Secret Service?  
4 A Yes.  
5 Q Prior to 2002, did you have any experience  
6 administering or interpreting polygraph  
7 examinations?  
8 A No.  
9 Q What happened in 2002? What was the --  
10 your first exposure to the field, so to speak?  
11 A Opportunity presented itself and I  
12 requested or submitted and was selected to go into  
13 the polygraph program for the Secret Service.  
14 Q Did you go into a training program?  
15 A Yes.  
16 Q And where was that?  
17 A That was down in Columbia, South Carolina,  
18 Fort Jackson.  
19 Q All right. And who -- whose program was  
20 that?  
21 A That's the program for the federal  
22 government. It's the National Center for

12

1 Credibility Assessment.  
2 Q Okay. And that was in 2002?  
3 A Yes.  
4 Q How long was that training, approximately?  
5 A About 14 weeks.  
6 Q Did you successfully complete the program?  
7 A Yes.  
8 Q All right. Sometimes I have to ask  
9 obvious questions.  
10 After you finished training at Fort  
11 Jackson, what happened regarding your involvement  
12 with polygraphs?  
13 A The Secret Service has an internship  
14 program, which I successfully completed. Then I was  
15 certified as a federal polygraph examiner for the  
16 Secret Service.  
17 Q Couple of questions about that. How long  
18 was the internship?  
19 A Maybe three or four months.  
20 Q Okay. And when were you certified?  
21 A Probably still in 2002, towards the end of  
22 the year, I believe.

13

1 Q Okay. Following your certification, was  
2 your assignment to the polygraph division?  
3 A Yes.  
4 Q Is that the correct terminology,  
5 "polygraph division"?  
6 A Polygraph branch, division, program, all  
7 the same.  
8 Q Okay. And you've been in the polygraph  
9 branch consistently since then or have you had other  
10 assignments?  
11 A I've had other assignments.  
12 Q How many -- do you administer polygraph  
13 exams?  
14 A Yes.  
15 Q How many would you say you've done in the  
16 past year?  
17 A One or two probably in the last year.  
18 Q Okay. Is your responsibility primarily to  
19 review other examiners' results?  
20 A Yes.  
21 Q Okay. And how many -- again, let's get  
22 the terminology, make sure we're on the same page.

14

1 What I understand in this particular case is that  
2 the polygraph examination of Mr. [REDACTED] was  
3 conducted by Agent Ripperger --  
4 A Yes.  
5 Q -- and that you then reviewed it.  
6 A Correct.  
7 Q Okay. So, if I just call them "reviews,"  
8 how many reviews would you say you've done in the  
9 past year?  
10 A Past year, maybe 50 to 100.  
11 Q Okay. And that's pretty consistent; every  
12 year you do 50 to 100?  
13 A Not necessarily.  
14 Q Okay.  
15 A This -- it would probably be closer to 50.  
16 I've had a lot of additional responsibilities during  
17 this last year because I'm assigned to another --  
18 I'm detailed to another -- I won't say, "division,"  
19 but another assignment in addition to my duties,  
20 so probably less this year than in previous years.  
21 Q So, less this year?  
22 A Yes.

15

1 Q What's your -- just what are -- to what  
2 unit or component are you detailed?  
3 A The Applicant Coordinating Center.  
4 Q What is that?  
5 A That is a division -- well, I say, "unit,"  
6 that is working to increase the efficiency and  
7 effectiveness of bringing people onboard with the  
8 Secret Service, the hiring process.  
9 Q So it's recruiting and screening and so  
10 forth?  
11 A It's kind of a combination, exactly, thus,  
12 The Applicant Coordinating Center, you would have  
13 people from kind of each of those divisions working  
14 together to try to expedite, as well as make sure  
15 the process is running as effectively and  
16 efficiently as possible, as well as be able to track  
17 applicants where they are in the process, what's  
18 going on with a certain area that might be outside  
19 of the area that's looking for information.  
20 For example, is someone scheduled for a  
21 polygraph. Well, you'd probably contact me and I  
22 would look in to see if an applicant is scheduled

16

1 for a polygraph, have they taken a polygraph, such  
2 as that.  
3 Q Now, are the applicants just for special  
4 agent positions or any position with Secret Service?  
5 A Any position within the Secret Service  
6 that requires a polygraph.  
7 Q That requires a polygraph, yes.  
8 A Yes.  
9 Q So, for example, Mr. [REDACTED] was applying  
10 for a GS-15 information technology position. Would  
11 that fall within the purview of the Applicant  
12 Coordinating Center?  
13 A Yes.  
14 Q Okay. Can a person be denied hiring  
15 solely because of -- I'm going to call it a "failed  
16 polygraph test"? I know the FBI doesn't -- won't  
17 fire anybody for that reason alone. Is that the  
18 policy and practice here?  
19 A That would be under security clearance  
20 division or security management division. As the  
21 polygraph branch, we just simply administer the  
22 examinations and then forward those results on to

17

1 **SCD or SMD. Then it goes through an adjudicative**  
2 **process on their end and they make the**  
3 **determination.**  
4 Q I see. So you're not aware of a policy or  
5 practice regarding -- well, let me ask it this way.  
6 If one fails a polygraph test, that is there are  
7 significant responses to one or more questions --  
8 first of all, does that constitute failing, a  
9 significant response to any one -- I don't know what  
10 to call -- a pertinent question, as opposed to a  
11 control question?  
12 A **Ask the question again, please.**  
13 Q My understanding, and please correct me if  
14 I'm wrong, is that there are control questions and  
15 then there are questions that count.  
16 A **Okay.**  
17 Q And if there's a significant response on  
18 any question that counts, is that a reason to  
19 exclude somebody from being hired?  
20 A **Once again, that wouldn't be a decision by**  
21 **polygraph. As a polygraph examiner, that**  
22 **significant response -- an examination can be**

18

1 **evaluated as displaying significant response to a**  
2 **relevant question. That information would then be**  
3 **forwarded on to SMD or SCD and then they would make**  
4 **an adjudicative determination as far as what they**  
5 **wanted to do at that point in time. But polygraph**  
6 **doesn't make any type of hiring or firing**  
7 **determinations.**  
8 Q Okay. I understand that. Do you know  
9 what the policy is at SMD or SCD regarding such  
10 things?  
11 A **No.**  
12 Q Okay. Do you know what happened in  
13 Mr. ██████ case after -- did it get sent to SC --  
14 SCD or SMD?  
15 A **It appears as though it did.**  
16 Q What in the packet in Exhibit 1 indicates  
17 that, sir? Is it the applicant examinee report?  
18 A **I would say 18, which looks like it was**  
19 **signed off by someone in -- looks like it was signed**  
20 **off by chief, security clearance division.**  
21 Q Okay. Do you recognize those initials?  
22 Looks to me like "BOA," but I'm not sure that's what

19

1 it is.  
2 A **Pretty sure that would be -- that would**  
3 **be -- if I'm looking at it correctly, that would be**  
4 **an adjudicative determination. Looks like that**  
5 **would be "BQA."**  
6 Q "BQA." And what do those initials stand  
7 for?  
8 A **Better qualified applicant.**  
9 Q What does that mean, sir?  
10 A **That would be an adjudicative**  
11 **determination by SCD. I just recognize the --**  
12 Q No, no. But what is better qual -- who --  
13 Mr. ██████ was a better qualified applicant? I  
14 don't understand.  
15 MR. WALLACE: I'm going to object as to  
16 speculation.  
17 MR. GAGLIARDO: Well, he's -- this is his  
18 job. But, okay, objection noted.  
19 MR. WALLACE: This is outside the scope of  
20 what he's here to testify as a reviewer.  
21 MR. GAGLIARDO: Well, I didn't restrict it  
22 to just being a reviewer. But objection noted.

20

1 BY MR. GAGLIARDO:  
2 Q I'm sorry. What is better -- what does  
3 the notation "better qualified applicant" indicate  
4 to you?  
5 A **That would be -- I don't know what**  
6 **criteria follows up under "better qualified**  
7 **applicant." I know that's an adjudicative**  
8 **determination made by SCD. What constitutes a**  
9 **better qualified applicant, I don't -- I don't know**  
10 **what their criteria would be.**  
11 Q All right. I'm still confused. I'm not  
12 trying to argue, but I really am confused. Is it  
13 saying that Mr. ██████ is a better qualified  
14 applicant or is it telling us something else?  
15 A **I wouldn't know.**  
16 Q You wouldn't know.  
17 A **You would have to ask someone in SCD.**  
18 Q Okay. I see a signature and it looks to  
19 me to be DeProspero-Philpot. Do you see that  
20 signature --  
21 A **Yes.**  
22 Q -- above the initials "BQA"?

21

1       **A Yes.**  
2       **Q** Do you recognize that signature as Ms. --  
3       **A Ms. DeProspero?**  
4       **Q** Yes.  
5       **A Yes.**  
6       **Q** You know her?  
7       **A Yes.**  
8       **Q** Okay. And what is her title?  
9       **A She was chief of security clearance**  
10      **division.**  
11      **Q** Okay. I see. So all the writing on  
12      here -- is all the writing on this page 18 her  
13      writing?  
14      **A I would say it appears to be.**  
15      **Q** It appears to be, right. So she signed  
16      her name, put the initials "BQA," and put a date of  
17      10/31/14. Have I correctly represented what's on  
18      the document?  
19              **MR. WALLACE:** Again, I'm just going to  
20      object to speculation. This witness has no idea.  
21              **MR. GAGLIARDO:** Okay. Let him testify.  
22      If he doesn't have an idea, he can tell me.

22

1       **A I agree. I don't have an idea.**  
2       **Q** Okay. After -- is it -- let me try it  
3       this way. Correct me if I'm wrong. A polygraph  
4       examination is administered; it's interpreted; and a  
5       report is made; is that correct?  
6       **A Examination is conducted.**  
7       **Q** Yes.  
8       **A Then it goes through a quality control**  
9       **process.**  
10      **Q** I left that out. Thank you.  
11      **A Quality control process. And then that**  
12      **information is forwarded on to SCD.**  
13      **Q** All right. And is -- when you say, "SCD,"  
14      is that Ms. DeProspero-Philpot?  
15      **A SCD is security clearance division.**  
16      **Q** Is that where Ms. Philpot is?  
17      **A Yes.**  
18      **Q** What happens after that? What happens to  
19      the report?  
20      **A I have no idea.**  
21      **Q** Okay. Now, you talked about quality  
22      control, so let me draw your attention to page 11 of

23

1       Exhibit 1.  
2       **A Okay.**  
3       **Q** All right. We already established that  
4       that's your signature on the document; is that  
5       correct?  
6       **A Yes. It's quality control reviewer, yes.**  
7       **Q** Yes. And your supervisor is Thomas  
8       Christopher?  
9       **A At that time he was, yes.**  
10      **Q** Yes. And that's who also signed this  
11      document?  
12      **A Yes, it looks like his signature.**  
13      **Q** Okay. Did you fill in the rest of the --  
14      of what appears on that document? For example, it  
15      says, "Examiner," the name "Ripperger" is filled in,  
16      the date 9/18/14 is filled in, et cetera.  
17      **A Yes.**  
18      **Q** Is that your handwriting?  
19      **A Yes, it is.**  
20      **Q** So those check marks are also yours?  
21      **A Yes.**  
22      **Q** Okay. Now, let me ask you, towards the

24

1       middle of the page, it says, "Counter/Anticounter-  
2       measure actions taking by examiner. Describe, if  
3       applicable," and it says, "N/A." Not applicable;  
4       correct?  
5       **A Correct.**  
6       **Q** Why is that not applicable in this case?  
7       **A There were no counter/anticountermeasure**  
8       **actions taken by the examiner.**  
9       **Q** Okay. Which, from that, I infer that  
10      there were no countermeasures taken by the examinee.  
11      **A Well, there are none suspected by the**  
12      **examiner. In the previous line above, it says,**  
13      **"Suspected countermeasures."**  
14      **Q** "No." I see that it's checked, "no."  
15      **A "No." Right.**  
16      **Q** All right. Now, it says, also, "Examiner  
17      failed to sign SF" -- it says, "SSF3336A." What is  
18      that -- that's a standard form, right, standard  
19      government form?  
20      **A Yes, standard Secret Service form.**  
21      **Q** Okay. Secret Service form. And what is  
22      it?



25

1       **A Let's see. I believe it's -- let me find**  
2 **it.**  
3       **Q** It may be my mistake but I didn't recall  
4 seeing it in the packet. But please take a moment  
5 to see if it is and that will end that question --  
6 line of questioning.  
7       **A The form 15.**  
8       **Q** Page 15?  
9       **A Page 15. I'm sorry.**  
10       **Q** Okay. It was my mistake. I see that.  
11       There is some handwriting after the line  
12 that says, "Examiner's signature."  
13       **A Yes.**  
14       **Q** Is that your handwriting?  
15       **A Yes.**  
16       **Q** What does it -- I can read some of it.  
17 Would you read that for me, please.  
18       **A It would be my initials, EDAlI, and then**  
19 **underneath that, dash, "not signed."**  
20       **Q** Okay. It's Edward D. Altston. What's  
21 "II"?  
22       **A The third.**

26

1       **Q** Oh, I see. Okay. Never mind. I  
2 understand. Going back to page 11 --  
3       **A Okay.**  
4       **Q** Hang on one second. Just -- just one  
5 second before we do that.  
6       Do you know why the examiner did not sign  
7 this standard form 3336A?  
8       **A No.**  
9       **Q** When you saw that it was unsigned, did you  
10 ask Agent Ripperger any questions or ask her why she  
11 hadn't signed?  
12       **A No.**  
13       **Q** What's the -- what's the significance of  
14 her not signing that, if any?  
15       **A There is no real significance. Most**  
16 **examiners will initial or sign it just to kind of**  
17 **acknowledge that they reviewed this information.**  
18       **Q** When you say, "reviewed it," reviewed it  
19 with the examinee?  
20       **A Yes.**  
21       **Q** Going back, then, to page 11 --  
22       **A Yes.**

27

1       **Q** -- in the various quality -- it says,  
2 "Quality control review," and then there's a list of  
3 things which have either been checked "yes" or "no."  
4 If you look about -- just below the midpoint, it  
5 says, "Exam audio recorded (random checks throughout  
6 exam)."  
7       **A Correct.**  
8       **Q** And it's checked, "Yes."  
9       **A Yes.**  
10       **Q** And you're the one who checked the "yes";  
11 correct?  
12       **A Correct.**  
13       **Q** Did you randomly check the audio recording  
14 of Mr. ██████ examination?  
15       **A Yes.**  
16       **Q** Okay. Was it audible to you?  
17       **A Initial recording was.**  
18       **Q** What do you mean, "the initial recording  
19 was"?  
20       **A Initially, it started out, then it --**  
21 **Q** Okay.  
22       **A -- went dead.**

28

1       **Q** Right. What did that tell you?  
2       **A That there was some type of technical**  
3 **problem.**  
4       **Q** Has that happened before in your  
5 experience?  
6       **A Yes.**  
7       **Q** How often? Rarely?  
8       **A Rarely -- I would say occasionally but**  
9 **more towards rarely than -- than often.**  
10       **Q** Right. Has it ever happened to you when  
11 you've done an exam?  
12       **A I don't -- I don't know.**  
13       **Q** Okay. Is it -- is it the examiner's  
14 responsibility to make sure that an audio recording  
15 is being made?  
16       **A Yes.**  
17       **Q** When it -- why did you check "yes" if it  
18 went dead? Why didn't you check "no"?  
19       **A Because it's not -- it asked if I did a**  
20 **random check, which I did.**  
21       **Q** Well, shouldn't you have indicated  
22 somewhere that there was a problem?

29

1       **A I didn't realize there was a problem.**  
2       Q Well, you realized it went dead after the  
3 initial portion that was audible, didn't you?  
4       **A No, I didn't. When I did my quality**  
5 **control, I just did an initial check. The audio was**  
6 **fine. I didn't listen to the whole exam. We**  
7 **don't -- those are -- we do periodic checks from**  
8 **time to time for certain -- well, not even certain**  
9 **exams -- random -- in ops, we may pull an**  
10 **examiner's, at some point -- at some point in time**  
11 **throughout the year, we usually try to do one or**  
12 **two -- well, now, this is currently, but back then,**  
13 **we didn't do any -- any systematic audio checks. It**  
14 **was not required.**  
15       **But back in 2014, as an agency and as a**  
16 **program, we, the Secret Service, would do random**  
17 **audio checks just to -- a quick check to make sure,**  
18 **okay, there is audio, and then we'd move on.**  
19       Q The purpose of the audio is to make sure  
20 that the exam is being conducted properly; correct?  
21       **A Yes.**  
22       Q Because in viewing the -- or in listening

30

1 to the audio, that is -- that's a tool to interpret  
2 the charts.  
3       **A Not necessarily.**  
4       Q Well, wouldn't you -- if you look at a  
5 chart --  
6       **A Correct.**  
7       Q Now, a chart -- let's be clear about  
8 something. The chart of these pages with the  
9 squiggly lines on them --  
10       **A Okay.**  
11       Q Is that right? Is that the right use of  
12 the term?  
13       **A "Squiggly lines," no, we don't --**  
14       Q Well, all right. A polygraph measures  
15 blood pressure, respiration, galvanic skin response,  
16 and heart rate; is that correct?  
17       **A Correct.**  
18       Q And a graph of the response is recorded on  
19 paper or some other medium, and we see copies of  
20 them in Exhibit 1; correct?  
21       **A Yeah, these appear to be the copies.**  
22       Q All right. So, for example, page 51 is

31

1 part of a chart. I just want to make sure I'm using  
2 the word "chart" correctly. You can take any of it.  
3       **A Yes.**  
4       Q So that's a chart.  
5       **A Right.**  
6       Q Right. So, wouldn't listening to the  
7 audio tell you or help you assess why there might be  
8 an increase in any one of the four measures?  
9       **A Not necessarily.**  
10       Q Well, it could; right? I mean one purpose  
11 of it is to see if there's useful information that  
12 might be garnered from the audio.  
13       **A I'm sorry. Repeat the question.**  
14       Q Well, for example, if the audio showed  
15 that there was a loud noise in the background, that  
16 would account for, say, an increased -- increase in  
17 heart rate -- could.  
18       **A Could.**  
19       Q Right. So, you would account for that by  
20 comparing the audio recording to the chart.  
21       **A It could.**  
22       Q Okay. So, the other -- another purpose of

32

1 the audio is to make sure that the examiner is  
2 conducting exams properly; isn't that also correct?  
3       **A That would be correct.**  
4       Q All right. So, when there is no audio  
5 recording, you can't perform either -- none of those  
6 purposes can be served; isn't that also correct?  
7       **A No.**  
8       Q It's not correct or it is?  
9       **A It's not correct.**  
10       Q Okay. What is a correct statement then?  
11       **A You can still evaluate the charts.**  
12       Q But you -- you can't -- all right. You  
13 can evaluate the chart simply by looking at what's  
14 on the graph paper; correct?  
15       **A Correct.**  
16       Q All right. But you don't have the  
17 assistance of the audio to see if -- to help you  
18 further determine whether that's a significant  
19 response or something else.  
20       **A That's correct.**  
21       Q Okay. And you certainly can't tell if the  
22 examiner is conducting the exam properly because you

33

1 can't hear what's being said, nor can you tell how  
2 it's being said.  
3 **A That's correct.**  
4 Q And when an examiner asks an examinee  
5 questions, it's supposed to be in a neutral tone; is  
6 it not?  
7 **A Yes, it should be.**  
8 Q Right. So, if, on the audio, it was  
9 revealed that the examiner was actually raising his  
10 or her voice or otherwise indicating, say, agitation  
11 or aggressiveness, that would affect the response  
12 that the examinee gives; correct?  
13 **A It could.**  
14 Q It could. And it would diminish the  
15 finding of a significant response because the  
16 response might, in fact, be to the examiner's tone  
17 and approach than to the question itself; isn't that  
18 also true?  
19 **A Could be.**  
20 Q Okay. If you know, what did  
21 Mr. Christopher do -- when he signs off on the -- on  
22 page 11, the quality control worksheet, what is he

34

1 actually attesting to? Does he also do the audio  
2 checks and all the rest of that?  
3 **A Not to my knowledge.**  
4 Q Okay. Do you know what he does or what  
5 his supervisor is supposed to do? I'll ask him but  
6 just if you know anything. What's his role in this  
7 review process is the real question.  
8 **A He acts as a designee for the special  
9 agent in charge of forensic services division, which  
10 polygraph falls under, so, he's, basically, the  
11 SAC's designee and he has the authority to actually  
12 sign off on the report.**  
13 Q I guess what I'm asking is does he review  
14 the charts.  
15 **A He could.**  
16 Q Okay. You don't know what he did in this  
17 particular case.  
18 **A No.**  
19 Q Okay. Let me ask you a different kind of  
20 question. Let me find the right page. There's a --  
21 there's a document signed by Magnuson. That's all  
22 it says, no first name. I assume that's a special

35

1 agent. And if I can find it -- it's page 10.  
2 **A Okay.**  
3 Q All right. Do you know who Magnuson is?  
4 **A That would be Sergeant Magnuson.**  
5 Q Okay. Who is Sergeant Magnuson?  
6 **A He's assigned to polygraph branch as a  
7 polygraph examiner, quality control specialist.**  
8 Q When you say, "sergeant," is he an  
9 employee of the U.S. Secret Service?  
10 **A He's a uniform division officer for the  
11 Secret Service.**  
12 Q I see. That's why he has the title  
13 "sergeant."  
14 **A Yes.**  
15 Q Okay. So, he's not special agent; he's  
16 sergeant.  
17 **A He's a sergeant.**  
18 Q He's uniform.  
19 **A Correct.**  
20 Q But he is also a trained polygraph  
21 examiner and reviewer, I take it.  
22 **A Yes.**

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1 Q What's his first name, please?  
2 **A William.**  
3 Q All right. Now, he indicates, "Final  
4 evaluation," that says, "INC," does it not?  
5 **A Yeah, it looks like it.**  
6 Q All right. And that stands for  
7 inconclusive?  
8 **A Correct.**  
9 Q And there are -- do you see any -- do you  
10 know why he concluded that it was inconclusive?  
11 It's maybe not a fair question. I'm not really  
12 asking you to guess what's in his head, but does  
13 anything on the paper indicate why he determined  
14 this to be inconclusive?  
15 **A It would look to be his evaluation.**  
16 Q So those numbers, the zeros and plus twos  
17 and plus threes and so forth are scores, if you  
18 will, that he's -- that he's given --  
19 **A Correct.**  
20 Q -- to the charts; right?  
21 **A Appears to be.**  
22 Q And it's a seven-point structure. You can

37

1 be anything from minus three to plus three and zero,  
2 of course, is in there, so there's one of seven  
3 scores you can -- an examinee could get; correct?  
4 **A Correct.**  
5 Q So, you look at these -- you look at the  
6 charts and if there -- and please correct me if I'm  
7 wrong, because I have a very rudimentary  
8 understanding of this. If there's a -- if, for  
9 example, heart rate goes up dramatically in response  
10 to a question, you would rate that a negative  
11 number, would you not, because there's -- there's a  
12 response to the question?  
13 **A Not necessarily. Depends on -- depends on**  
14 **the question.**  
15 Q Okay. Tell me how it works. Let's do it  
16 that way. Just tell me how it works. I really have  
17 only, you know, a TV knowledge of what polygraphs  
18 are all about.  
19 **A Depending on what the question is, it**  
20 **would be rated a minus or -- a negative or positive**  
21 **rating and then it would use -- be used in**  
22 **comparison to the other questions to then determine**

38

1 **overall score --**  
2 Q Okay.  
3 **A -- for an evaluation of that specific**  
4 **agent related to earlier relevant question in the**  
5 **chart.**  
6 Q And negative numbers are significant  
7 responses -- negative numbers are -- are indicative  
8 of deception; correct?  
9 **A No --**  
10 Q Well --  
11 **A -- not necessarily.**  
12 Q -- the examinee wants pluses, not minuses;  
13 right?  
14 **A As an overall evaluation, yes.**  
15 Q Okay. So, if Mr. [REDACTED] was all  
16 plus-threes, he would have done really good, and if  
17 he had all minus-threes, he would have been a bad --  
18 bad character.  
19 **A Well, it would have been two different --**  
20 Q Indicative of deception.  
21 **A There you go. Two different evaluations.**  
22 Q Okay. Now, your interpretation is

39

1 different than Sergeant Magnuson's; is that correct?  
2 Your scoring is different, I should say. Your  
3 chart --  
4 **A Yes.**  
5 Q Your series two chart one is page 9. So,  
6 we would -- all right. I'm -- couple of things.  
7 Number one, do you know why there's only one page  
8 from Sergeant Magnuson?  
9 **A Yes.**  
10 Q Why?  
11 **A Because he only evaluated that one series.**  
12 Q Why did he not evaluate the other series,  
13 if you know?  
14 **A It appears I was the primary evaluator on**  
15 **this exam.**  
16 Q Isn't the policy and procedure that two  
17 people should review the exams?  
18 **A I'm sorry. What was the -- you're asking**  
19 **is it policy --**  
20 Q Review is supposed to be done by two  
21 people, is it not?  
22 **A No.**

40

1 Q What's the policy and practice?  
2 **A Policy and practice is it can be reviewed**  
3 **by one quality control person. If there is a**  
4 **discrepancy, then another quality control person can**  
5 **review, and then that would be then turned over to a**  
6 **supervisor. There's an nonconcurrent process that's**  
7 **in place to deal with counter calls or differences**  
8 **in evaluations.**  
9 Q So, am I correct, then, to -- am I  
10 correct, then, that there's a difference between  
11 Agent Ripperger's evaluation and yours and that's  
12 why Sergeant Magnuson was asked to review?  
13 **A Yes, that's what appears to be what**  
14 **happened.**  
15 Q Okay. Now, back to your evaluation,  
16 looking at pages 8 and 9, there's nothing filled in  
17 for final evaluation.  
18 **A Correct.**  
19 Q Why is that?  
20 **A Because I can look at it and, basically,**  
21 **determine the overall evaluation.**  
22 Q All right. So, what is your overall --

41

1 even though you didn't fill it in on September 18th  
2 of 2014, looking at the scores that you've entered  
3 on that sheet, what is your overall evaluation?  
4 **A My overall evaluation for R26 would be**  
5 **minus three, which would then call for a final**  
6 **evaluation of significant response for an SR**  
7 **evaluation.**  
8 Q Wait. I'm not following. Let's do this a  
9 little bit different to make sure we're on the same  
10 page.  
11 **A Okay.**  
12 Q Let's look at number 9.  
13 **A Oh, number 9.**  
14 Q Page 9. Let's look at page 9. All right?  
15 **A Uh-huh.**  
16 Q It stays, at the top of the page, "Series  
17 two chart one"; correct?  
18 **A Yes, number 9.**  
19 Q All right. And then, "R4." What is R4?  
20 **A That would be relevant question number R4,**  
21 **relevant question four.**  
22 Q Okay. And the next one says, "R," and I

42

1 can't really read the number.  
2 **A R6.**  
3 Q Is that a six? Okay. All right. So, in  
4 R4, if you go to the very bottom, it says, "Spot  
5 totals minus three."  
6 **A Yes.**  
7 Q And if you look at R6, the spot totals are  
8 minus one.  
9 **A Correct.**  
10 Q Okay. Now, what is a spot total? You  
11 actually add up the numbers that are in the column  
12 above --  
13 **A Correct.**  
14 Q -- or is it something else?  
15 **A Add the numbers that are in the columns**  
16 **above, the subtotals.**  
17 Q All right. So, again, let me make sure I  
18 understand what you've written on this page. If we  
19 look at R4, series two, chart one, R4, relevant  
20 question number four --  
21 **A Okay.**  
22 Q -- respiration is rated as zero.

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1 **A Correct.**  
2 Q Okay. Now, electrodermal activity, that's  
3 your sweaty palms; right?  
4 **A Correct.**  
5 Q It says, "Minus two C3."  
6 **A Correct.**  
7 Q What is -- minus two I get. What's C3?  
8 **A That would be minus two using C3 as the**  
9 **comparison question for evaluation.**  
10 Q I see. So you compared questions three  
11 and four and rated or scored the response as a minus  
12 two; is that correct?  
13 **A That's correct.**  
14 Q All right. Cardiovascular activity, it  
15 just says minus C3. There's no number.  
16 **A Correct.**  
17 Q What does -- what does that mean? Is it a  
18 one, a zero --  
19 **A It would be -- it would be a one.**  
20 Q It's a one? I see. Because the subtotal  
21 is three; right? Two and one is three.  
22 **A Correct.**

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1 Q Okay. It says, "Charts one, two, and  
2 three." You filled in the blanks for one, two, and  
3 three. That means that the -- that question --  
4 relevant question four was asked three different  
5 times?  
6 **A Correct.**  
7 Q And there are different responses; is that  
8 correct?  
9 **A Ask the question again.**  
10 Q Well, you have a subtotal of zero for  
11 chart two, and you have a subtotal of zero for chart  
12 three.  
13 **A Correct.**  
14 Q So those -- a zero score is not indicative  
15 of deception, is it?  
16 **A Not necessarily.**  
17 Q Well, in this case, if we -- if we  
18 eliminate what you said about R1 -- I mean chart one  
19 and all we had were the results of two and three,  
20 would you not agree that there's no indication of  
21 deception as to question four?  
22 **A It would then be inconclusive.**

45

1 Q It would be inconclusive. And that would  
2 be the same for R6 regarding -- in fact, in all  
3 three cases for R6, it's inconclusive; isn't that  
4 correct?  
5 **A Yes, for each individual chart.**  
6 Q For each individual chart. So the only  
7 significant response was chart one R4, correct,  
8 according to this document, according to this  
9 polygraph chart analysis? It's only R4 on chart one  
10 where there's an indication of -- there's -- I'm  
11 sorry. Rephrase that.  
12 According to page 9, the polygraph chart  
13 analysis that you signed September 18 of 2014, there  
14 was a significant response only to relevant question  
15 four in series two chart one; is that correct?  
16 **A Wait a minute. Ask the question again.**  
17 Q The only -- the only significant response  
18 is regarding R4 in chart one; isn't that correct?  
19 Just look at it.  
20 **A Uh-huh. It would have only been asked**  
21 **once.**  
22 Q Pardon me?

46

1 **A It's only asked once in chart one.**  
2 **There's one asking.**  
3 Q No, I understand. But there's no -- let's  
4 drop that. Let's drop that.  
5 Let me go to page 8. I just want to  
6 understand the handwriting. Series one chart one,  
7 and then two, three, and four, do you see that?  
8 **A Yes.**  
9 Q Okay. The -- the question is different.  
10 Is that relevant question 24?  
11 **A Correct.**  
12 Q And relevant question 26 and 28?  
13 **A Correct.**  
14 Q Okay. I just want to make sure I'm  
15 reading the handwriting correctly.  
16 I did have a question. This is to cure my  
17 ignorance. It says, "Exam format LEPET." What does  
18 that mean?  
19 **A It's a LEPET format. It's the testing**  
20 **format used in screening examinations.**  
21 Q All right. Can you tell me what those  
22 initials actually stand for.

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1 **A Law enforcement placement test, I believe.**  
2 Q Something E-test; right?  
3 **A Yes.**  
4 Q Okay. And that's -- it's a scoring  
5 system, did you say?  
6 **A It's a testing format.**  
7 Q Testing format.  
8 **A Correct.**  
9 Q There are various testing formats that can  
10 be used?  
11 **A Yes.**  
12 Q Does Secret Service only use the LEPET  
13 format?  
14 **A No.**  
15 Q How do you determine which format -- tell  
16 me -- again, you know, I'm really taking advantage  
17 of you, and I apologize, to educate me on some  
18 stuff. Tell me, besides LEPET, what other formats  
19 there are that are used at Secret Service.  
20 **A For screening examinations, we use the**  
21 **LEPET format. And then there's a CI scope**  
22 **examination, which is a different version of,**

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1 **basically, half of a LEPET examination.**  
2 Q Do you use that for screening applicants,  
3 as well?  
4 **A Yes, we will.**  
5 Q Okay. And how -- first of all, is there  
6 any other --  
7 **A For criminal exams, we use different**  
8 **testing formats, as well.**  
9 Q Okay. But for applicants, it would either  
10 be LEPET or the CI scope?  
11 **A Exactly.**  
12 Q Okay. And how do you determine which  
13 format to use or who -- does the examiner determine  
14 that?  
15 **A No.**  
16 Q Who determines that?  
17 **A SCD would determine what they're**  
18 **requiring. So a different -- certain positions may**  
19 **require only a CI scope polygraph examination.**  
20 Q Because that's a little less --  
21 **A Exactly.**  
22 Q -- probing, if that's the right word?

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1       **A Let me back up. That's recent**  
2 **developments.**  
3       Q That wasn't in effect back in 2014?  
4       **A No.**  
5       Q In 2014, there was only LEPET?  
6       **A Exact -- full scope polygraph examination**  
7 **would be administered and it would be administered**  
8 **under the LEPET format.**  
9       Q Okay. So, again, I just want to make sure  
10 we're on the same page. 2014, Mr. [REDACTED] given a  
11 polygraph. The only thing that -- the only format  
12 that would be used would have been LEPET.  
13       **A That would have been what he would have**  
14 **been authorized for.**  
15       Q Yes.  
16       **A Now, once again, SCD makes that**  
17 **determination.**  
18       Q I understand.  
19       **A But back in 2014, he was administered a**  
20 **LEPET format, which means he was authorized a full**  
21 **scope polygraph examination, which would have been**  
22 **conducted in the LEPET format.**

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1       Q Okay. Going back to the audio recording  
2 for a moment, do you -- I think you -- and, again, I  
3 don't want to put words in your mouth. I think you  
4 said there was a technical problem or words to that  
5 effect.  
6       **A Appears to have been.**  
7       Q Appears to have been. Do you know what  
8 the problem was?  
9       **A I have no idea.**  
10       Q Did you tell anybody that there had been a  
11 problem with the recording?  
12       **A I didn't know there was a problem with the**  
13 **recording.**  
14       Q When did you first -- when did you first  
15 know that it started out audible and then became  
16 inaudible?  
17       **A I met with counsel.**  
18       Q Oh, okay. Recently.  
19       **A Recently, yes.**  
20       Q I see. You had no idea back in 2014.  
21       **A No.**  
22       Q So, your spot-check was, merely, you

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1       listened to the very beginning and you said, "Okay.  
2 This is cool," and --  
3       **A Yes.**  
4       Q -- done.  
5       Let me ask you to look at page 2, if you  
6 would, for a moment.  
7       **A Okay.**  
8       Q It's important to know whether an examinee  
9 is using any drugs, whether recreational or  
10 prescription, is it not?  
11       **A It can be.**  
12       Q All right. Well, the polygraph data sheet  
13 that every -- page 2 is the polygraph data sheet;  
14 correct?  
15       **A Correct.**  
16       Q And that's used for all examinees applying  
17 for a job at Secret Service, is it not?  
18       **A Yes.**  
19       Q And the first question is, "Have you taken  
20 any medication, drugs, alcohol, or marijuana";  
21 correct?  
22       **A Correct.**

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1       Q All right. And then Mr. [REDACTED] in this  
2 case, said he had, and then he lists in the next  
3 line the name of drug or medication, Effexor,  
4 Protonix, and Lipitor. Are you familiar with those  
5 drugs?  
6       **A Yes, I've heard of them.**  
7       Q Okay. Do you know what Effexor is for?  
8       **A No.**  
9       Q Treats depression. Would that -- how  
10 would that affect an examinee's --  
11       **A Might not affect them at all.**  
12       Q Well, why ask for it if -- why does it ask  
13 for it?  
14       **A It asks is the person taking any**  
15 **medication, drugs, alcohol, or marijuana.**  
16       Q Right, because you want to make sure  
17 they're of clear mind and that their answers are not  
18 being influenced by drugs or alcohol, isn't it?  
19       **A No.**  
20       Q Why do you ask the question?  
21       **A So that we can know if they are taking any**  
22 **drugs or medication because it may have an effect on**

53

1 **their physiological responses.**  
2 Q Okay. Fine. And do you know what the  
3 physiological effects of Effexor are?  
4 A No.  
5 Q Or Protonix or Lipitor?  
6 A No.  
7 Q Do you see that in question number two, it  
8 says, "Are you presently under a physician's care,  
9 including pregnancy? If yes, explain." And it  
10 says, "OCD, high cholesterol, testosterone." Do you  
11 see that?  
12 A Yes.  
13 Q What's OCD?  
14 A **Obsessive compulsive disorder.**  
15 Q That's what it is. That could affect an  
16 examinee's responses, as well, couldn't it,  
17 physiological responses?  
18 A **Could affect their physiology overall.**  
19 Q Right. I mean, so, anyway, the OCD is  
20 going to really ponder a question and look at it  
21 with much more -- with much more scrutiny than --  
22 MR. WALLACE: Objection. Speculation.

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1 MR. GAGLIARDO: I don't know.  
2 Q I mean you're an examiner. If somebody  
3 says they have OCD and they're on Effexor, what does  
4 that tell you in terms of conducting the  
5 examination?  
6 A **Tells me that they're on -- they've been**  
7 **diagnosed -- I'd assume been diagnosed with OCD and**  
8 **are taking medication for it.**  
9 Q So, does that affect the way you interpret  
10 the physiological responses?  
11 A **Not necessarily.**  
12 Q Okay. Why not?  
13 A **Because it may not have an effect on**  
14 **them -- on their physiology.**  
15 Q Well, here's -- again, I'm not trying to  
16 be argumentative. But if it's important to ask the  
17 question --  
18 A **Right.**  
19 Q -- then it's important to know what the  
20 answer is. And having the answer, then, it must  
21 dictate either that you do or don't do something. I  
22 mean are there any cases where an examinee would

55

1 come in and say, "Look, here's my condition. Here  
2 are the medications I'm on," and that would affect  
3 how you score the exam or how you conduct the exam?  
4 A **No, unless they're physically and mentally**  
5 **incapable of taking the examination.**  
6 Q And how would you determine that they were  
7 physically or mentally incapable of taking the exam?  
8 A **In discussions with them, you would**  
9 **determine whether they appear to be of sound mind**  
10 **and body, and if they appear to be, we would attempt**  
11 **to administer the examination.**  
12 Q Otherwise, you would not?  
13 A **If we make a determination prior to**  
14 **actually running charts that this person is not**  
15 **mentally or physically sound enough to be**  
16 **administered an examination.**  
17 Q Again, I'm not trying to argue with you;  
18 just trying to understand. If somebody came in and  
19 they were so nervous, you could see them literally  
20 shaking and their voice was shaking and, in other  
21 words, every indication that they were just coming  
22 apart at the seams, so to speak, would you conduct

56

1 the exam under those circumstances or would you say,  
2 you know, "We're not really going to get a good read  
3 on what's going on"?  
4 A **Depends on the individual.**  
5 Q Have you -- all right. Let's do it this  
6 way. Have you ever not conducted an exam because  
7 you determined that somebody was not physically or  
8 mentally fit to take the exam?  
9 A **Yes.**  
10 Q Okay. And, clearly, not going to indicate  
11 who or tell me anything like that. What was it  
12 about the person that led you to that conclusion?  
13 MR. WALLACE: Objection. Relevance.  
14 MR. GAGLIARDO: Okay.  
15 Q You can -- you can answer.  
16 A **If the individual, for example, is clearly**  
17 **suffering from some type of cold, for example, and,**  
18 **in interviewing them, they're unable to continue a**  
19 **conversation without, say, coughing, sniffing,**  
20 **sneezing for any period of time, then that's clearly**  
21 **an indication that they're not going to be able to**  
22 **sit in the chair and answer questions without**

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1 coughing, sneezing, sniffing during an examination,  
2 which is probably not going to allow for clear  
3 charts to make a good evaluation.  
4 Q Okay. How long does it -- what is the  
5 normal amount of time, the usual amount of time, I  
6 should say, that it takes to do a complete polygraph  
7 for a job applicant that's from, you know, very  
8 start to very finish?  
9 A Anywhere from, possibly, four to six  
10 hours.  
11 Q Okay. And it takes that long -- I mean,  
12 obviously, you're not asking questions that whole  
13 time. You have to do a prescreen to determine  
14 they're fit.  
15 A Well, there are questions being asked,  
16 it's just the actual examination is not being  
17 administered for that long a period of time.  
18 Q Meaning --  
19 A Meaning --  
20 Q -- connected to it.  
21 A -- sitting in the chair connected to the  
22 components.

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1 Q Okay. But you're asking other questions  
2 and doing other evaluative techniques or using  
3 evaluative techniques.  
4 A Yes.  
5 Q Is there anything in the package that I've  
6 shown you other than the scores on the polygraph  
7 that indicate that Mr. [REDACTED] was deceptive or  
8 otherwise unfit to be employed by the Secret  
9 Service?  
10 A I couldn't make that determination.  
11 Polygraph doesn't do hiring or firing.  
12 Q No, I under -- okay. I get you. All  
13 right. Let's leave that alone.  
14 The -- if you look at page 5 for a minute,  
15 please, this -- I don't see a title on this  
16 document. I see several -- several designations for  
17 the questions. This is a series of questions with  
18 the responses, correct, and these responses are  
19 "yes" or "no," "Y" for yes and "N" for no?  
20 A Correct.  
21 Q And the question is presumably written --  
22 is asked the way it's written; is that also correct?

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1 A Yes.  
2 Q All right. Now, the first question says,  
3 "X," under the "ID" column. I guess that means it  
4 doesn't -- doesn't matter because it says, "The test  
5 is about to begin." What does the "X" stand for?  
6 A It normally indicates when the examiner is  
7 actually putting the instrument into operation and  
8 starting to record the charts.  
9 Q And the double "X" is when it's concluded?  
10 A Correct.  
11 Q Now, the next line says -- the question  
12 is, "Is this the month of September?" And the  
13 answer is, "Yes," and it says, "21." That means it  
14 was question 21?  
15 A No.  
16 Q What does -- what does "21" mean? The  
17 reason I say that -- well, go ahead. You tell me.  
18 A It's -- it's just an identifier for the  
19 question.  
20 Q Okay.  
21 A So you take it -- right. Would it be  
22 question 21? Yes. But are there 21 questions? No.

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1 Q I get that. I get that. All right. Now,  
2 this is really what I'm -- what I wanted to get down  
3 to. The next three questions are S22, C23, and R24.  
4 A Correct.  
5 Q Now, I think we know from your prior  
6 answers the "R" means it's a relevant question.  
7 A Correct.  
8 Q So that's one that you're going to score  
9 the examinee on to determine -- that's important in  
10 determining whether they're decept -- indicating  
11 deception or not; correct?  
12 A That's a relevant question, yes.  
13 Q A relevant -- all right. And 24 says,  
14 "Withholding information about committing a serious  
15 crime." 26 is about involvement with illegal drugs.  
16 And 28 is deliberately falsifying information on the  
17 application.  
18 A Yes.  
19 Q So those are the questions that Secret  
20 Service really wants to know the answer; correct?  
21 A Those are the relevant questions.  
22 Q The relevant questions. Okay. What is

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1 "S" and what is "C"? And I'm asking compound  
2 questions, which I shouldn't. What is "S"?  
3 **A "S" is a sacrifice relevant.**  
4 Q What does that mean?  
5 **A That's a question for overall intent. "As**  
6 **it stands, concerning your application process, do**  
7 **you" -- "DYI" would stand for "Do you intend to**  
8 **answer each question truthfully?"**  
9 Q All right. And what does "C" stand for?  
10 **A That would be a comparison question.**  
11 Q Ah. And what -- and, so, in your -- I may  
12 have this wrong, so please correct me. So, when you  
13 said you compared R24 with C25 -- I see. That's --  
14 you're just reflecting the way this printed sheet  
15 has designated questions; is that correct?  
16 **A Correct.**  
17 Q All right. Now, "DYI" you said was "do  
18 you intend." What is "PTAWSS"?  
19 **A It would normally stand for "prior to**  
20 **applying with the Secret Service."**  
21 Q Okay. And "DYE" is "did you ever"; is  
22 that correct?

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1 **A Normally, yes.**  
2 Q Okay. Now, in C25, it says, "BAW" --  
3 before -- prior to applying, before applying. I get  
4 it. Okay. We won't belabor those points. Okay.  
5 MR. GAGLIARDO: All right. Give me one  
6 second to talk to Mr. [REDACTED] please.  
7 (A recess was taken.)  
8 BY MR. GAGLIARDO:  
9 Q Let me -- let me try to get at something.  
10 Does DCCA accredit --  
11 **A NCCA? National Center of Credibility**  
12 **Assessment.**  
13 Q Yeah. Does the national center accredit  
14 the Secret Service polygraph program?  
15 **A No.**  
16 Q They're a training -- I understand they're  
17 a training institution. They don't review whether  
18 you're up to their standards or anything like that.  
19 Once they train people, they're out of the picture?  
20 **A No.**  
21 Q Okay.  
22 **A They do train people. They do monitor.**

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1 Q They do monitor.  
2 **A They're National Center for Credibility**  
3 **Assessment and they fall under DIA and they're**  
4 **responsible for quality assurance program which,**  
5 **therefore, goes around and inspects -- in addition**  
6 **to training, one of the functions they also do is**  
7 **they inspect federal polygraph programs to ensure**  
8 **that they are in compliance and they are conducting**  
9 **themselves in an honest, ethical manner and adhering**  
10 **to the federal standards established.**  
11 Q Okay. That's -- that's what I was trying  
12 to get. You said, "DIA." To me, that's Defense  
13 Information Agency. What did you mean by "DIA"?  
14 **A That's the -- that's what NCCA falls**  
15 **under.**  
16 Q Defense Information Agency. Okay. Just,  
17 again, wanted to make sure.  
18 All right. So, the -- the national center  
19 requires polygraphs to be audio recorded; isn't that  
20 correct?  
21 **A No.**  
22 Q They don't require it?

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1 **A No.**  
2 Q Do they recommend it?  
3 **A I don't know if they recommend it. They**  
4 **don't require it.**  
5 Q What about Secret Service, does Secret  
6 Service by its own policies require it?  
7 **A Yes.**  
8 Q Okay. So, if exams aren't being recorded,  
9 for whatever reason, that would be a problem -- that  
10 would be a problem, would it not? That would  
11 violate -- let me ask it this way. If the exams --  
12 if the exams aren't being recorded, whatever the  
13 reason might be, that would be at least suspected to  
14 be a violation of Secret Service policy.  
15 **A You mean intentionally not recorded?**  
16 Q Well, that's what I was going to try to  
17 make that distinction. Clearly, if it was  
18 intentionally not recorded, that would be a  
19 violation of policy.  
20 **A That would be.**  
21 Q All right. And negligently not recording,  
22 not checking the equipment, not making sure it was

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1 in good working order, not getting it repaired when  
2 broken would also violate Secret Service policy.  
3 **A What do you mean by -- further explain**  
4 **"negligent."**  
5 Q Well, if you know a machine is -- if you  
6 know that microphones aren't working and you  
7 don't --  
8 **A Okay. So you're saying if the person**  
9 **knows.**  
10 Q -- fix that.  
11 **A Well, at least -- yeah, they'd have to fix**  
12 **that problem before moving forward if they were**  
13 **aware of it.**  
14 Q Right. And it's the examiner's  
15 responsibility to make sure that all equipment used  
16 in the polygraph examination process is in good  
17 working order; correct?  
18 **A Correct.**  
19 Q All right. So if -- okay.  
20 MR. GAGLIARDO: Give me another minute  
21 with Mr. [REDACTED]  
22 (A recess was taken.)

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1 MR. GAGLIARDO: Mark this as 2.  
2 (Exhibit 2 was marked for identification  
3 and is attached to the Ellen Ripperger 10/18/16  
4 deposition transcript.)  
5 BY MR. GAGLIARDO:  
6 Q Just so we're squeaky clean, I'm going to  
7 ask you to use the marked one.  
8 Agent Alston, if you would look at the  
9 numbered page 2 of what's been marked as Exhibit  
10 Number 2, which, let me represent -- represent was  
11 provided by Secret Service to us in response to a  
12 request, it is -- it's a four-page document and the  
13 subject on the cover page is "Polygraph Examination  
14 Procedures." Page 2, at the very top, the printed  
15 headline is "Applicant Screening Examinations." Do  
16 you see that?  
17 **A Yes.**  
18 Q Okay. This is another help-me-out  
19 question. You see it says, "Examiners should ensure  
20 that the applicant examination is in accordance with  
21 DACA instructions regarding law enforcement  
22 preemployment testing (LEPET)."

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1 **A Correct.**  
2 Q Okay. What is DACA?  
3 **A That's NCCA's previous name, Defense**  
4 **Academy for Credibility Assessment.**  
5 Q Okay.  
6 **A They've gone through several name changes**  
7 **over the years.**  
8 Q Yes, I heard you say that off the record.  
9 Okay. So, they're the -- it's the same -- it's the  
10 same institution --  
11 **A Yes.**  
12 Q -- different name.  
13 **A Yes.**  
14 Q Okay. Do you have a -- do you know where  
15 I can get a copy of those instructions?  
16 **A Probably through NCCA.**  
17 Q Okay. Well, never mind. Okay.  
18 MR. GAGLIARDO: Want to talk again?  
19 MR. [REDACTED] Yes, one last time.  
20 MR. GAGLIARDO: One last question.  
21 (A recess was taken.)  
22 BY MR. GAGLIARDO:

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1 Q Do you know if transcripts of the audio  
2 recordings of polygraph examinations are ever made?  
3 **A You mean as a normal course of business**  
4 **within Secret Service?**  
5 Q Either normal course of business or for a  
6 particular reason. The reason I -- the reason I'm  
7 asking you is because we cannot hear everything on  
8 that tape or that audio file and the question is  
9 does a transcript exist of -- I don't want to get  
10 into a whole discussion of it. If you don't know,  
11 you don't know.  
12 **A Not to my knowledge.**  
13 MR. GAGLIARDO: Okay. All right. I don't  
14 have any questions. Your lawyer may or may not.  
15 MR. WALLACE: I've just got a couple  
16 follow-up.  
17 EXAMINATION BY COUNSEL ON BEHALF OF THE AGENCY  
18 BY MR. WALLACE:  
19 Q Special Agent Alston, when you conducted  
20 the quality review of Mr. [REDACTED] polygraph, did  
21 you review all of the charts?  
22 **A Yes.**

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1 Q And were those charts -- did you consider  
2 them clear charts?  
3 A Yes.  
4 Q And explain to us what does it mean when  
5 you have a chart that's clear?  
6 A **Charts that are fairly consistent and**  
7 **homeostasis and, basically, charts that are -- can**  
8 **be evaluated free of a lot of unnecessary artifacts.**  
9 Q So a clear chart enables you, as a  
10 reviewer, to be able to score those charts, in your  
11 opinion, accurately?  
12 A **It provides for a much easier day for me**  
13 **as a reviewer and as an examiner. There are --**  
14 **clear charts are those charts where you get nice**  
15 **physiological readings from the examinee, so it**  
16 **makes it very easy to interpret the charts.**  
17 Q Okay. And when you conducted this review,  
18 I think you do initially what's called a "blind  
19 review"?  
20 A **That's correct.**  
21 Q That's correct. And explain again what a  
22 blind review is.

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1 A **A blind review or blind QC would be, as a**  
2 **quality -- excuse me -- as a quality control**  
3 **specialist, I would simply take the charts and score**  
4 **the charts without looking at anything else in the**  
5 **reports. So, I don't know anything about the field**  
6 **examiner's outcome and, in theory, I would score the**  
7 **charts and then see what the field examiner has come**  
8 **up with to determine whether or not we have a**  
9 **nonconcur situation.**  
10 Q So the only thing in a blind review, when  
11 you look at the charts, you don't look at any of the  
12 background of whoever the examinee is?  
13 A No.  
14 Q Other than just the name that's on the  
15 chart?  
16 A **Possibly, if the examiner titled the file**  
17 **that way, usually it will have the applicant data**  
18 **file number and it may have a last name but,**  
19 **generally, that's it.**  
20 Q Okay. And then it was based on this blind  
21 review, and your -- your further review was that  
22 there was some significant response on a

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1 particularly relevant question?  
2 A **Correct.**  
3 MR. WALLACE: Okay. I don't have any  
4 other questions.  
5 MR. GAGLIARDO: Just want to be clear.  
6 EXAMINATION BY COUNSEL ON BEHALF OF THE COMPLAINANT  
7 BY MR. GAGLIARDO:  
8 Q The field examiner in this case means  
9 Agent Ripperger?  
10 A Yes.  
11 Q Okay. Just -- it was a different term. I  
12 just want to make sure.  
13 A **Basically, field exam -- whoever conducted**  
14 **the examination.**  
15 Q Right, whoever conducted the exam, so, in  
16 this case, Ripperger.  
17 A Yes.  
18 Q Okay. All right. Have you reviewed other  
19 examinations that she's conducted?  
20 A Yes.  
21 Q Have you nonconcurrred in any of them?  
22 A **I'm pretty sure I have.**

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1 Q What happens when there's a  
2 nonconcurrency?  
3 A **As the initial quality control person, as**  
4 **I stated, I would do a blind QC, and if, after**  
5 **scoring a series, I determine -- or at the end, I**  
6 **determine that there's a difference in my overall**  
7 **evaluation and the field examiner's overall**  
8 **evaluation, I would then send the charts to another**  
9 **quality controls person.**  
10 Q And that's why Magnuson got involved in  
11 this case?  
12 A **Yes, and then they -- he -- in this case,**  
13 **he would have conducted a blind QC, and he came up**  
14 **with the evaluation he came up with, and, in this**  
15 **situation, he concurred with Agent Ripperger, which**  
16 **is why a breakout was then done or which is why**  
17 **testing was -- was ideally continued on.**  
18 Q Well, Magnuson determined that the -- that  
19 the outcome was -- his overall evaluation was  
20 inconclusive.  
21 A **It's a series one, correct.**  
22 Q Is it series one or series two? Series

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1 two.  
2 **A Series -- well --**  
3 Q The only document I have is page -- from  
4 Magnuson is page 10.  
5 **A Right.**  
6 Q And it says, "Series two, charts one, two,  
7 three, and four."  
8 **A Which would be series one for the actual**  
9 **examination.**  
10 Q You've totally confused me now.  
11 **A The initial for all examinations --**  
12 **applicant screenings for all examinations, there**  
13 **would be an initial acquaintance test conducted --**  
14 Q Okay.  
15 **A -- which is simply asking a series of**  
16 **questions generally dealing with a number to give**  
17 **the examiner and examinee -- the examinee an**  
18 **opportunity to sit in the chair, have the components**  
19 **attached and, basically, get kind of a practice run,**  
20 **a trial run of what it's going to feel like for me,**  
21 **the examiner, to ask them a series of questions, for**  
22 **them to respond while having the components**

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1 **attached.**  
2 **And it also allows the examiner to adjust**  
3 **the instrument to the individual's physiology for**  
4 **that day, make any type of corrections or**  
5 **adjustments within the instrument. And it's just**  
6 **that, just a practice test. So, that will come up**  
7 **as series one, generally printed out through the**  
8 **Lafayette system.**  
9 Q All right. What we really care about  
10 here --  
11 **A Yes.**  
12 Q -- are the answers to relevant questions.  
13 **A Exactly.**  
14 Q And the relevant questions were 24, 26,  
15 and 28.  
16 **A Right.**  
17 Q Okay. We don't have to go back over what  
18 Magnuson did or didn't -- whatever his report is.  
19 Okay. Hang on one second. All right.  
20 Here's what I'm a little bit confused about. I'm  
21 sorry to -- to keep going back over this. I see two  
22 reports or two polygraph chart analyses by Agent

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1 Ripperger.  
2 **A Okay.**  
3 Q And one of them is inconclusive, and one  
4 of them is significant. And the inconclusive is 24,  
5 26, and 28, which we know Magnuson also said was  
6 inconclusive.  
7 **A Right.**  
8 Q Okay. The other chart analysis by Agent  
9 Ripperger refers to R4 and R6, which she scores as  
10 significant response.  
11 **A Correct.**  
12 Q I don't see anything from Magnuson on  
13 that. I may have asked this. Why would he not have  
14 looked at that?  
15 **A Because he wasn't the primary evaluator.**  
16 **I was. And as I stated before, he was called in**  
17 **just to simply review series one, which he concurred**  
18 **with Ms. Ripperger and, therefore, she moved on to a**  
19 **second series, while it wouldn't have been realtime,**  
20 **but I had a nonconcur with Ms. Ripperger on series**  
21 **one, so Agent Magnuson was called. I called on his**  
22 **assistance for him to then do a blind QC. He**

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1 **concurred with her, which then I moved on.**  
2 MR. GAGLIARDO: Okay. Okay. All right.  
3 I don't have anything. Thank you. Sorry it took as  
4 much time as it did.  
5 THE WITNESS: That's fine.  
6 THE COURT REPORTER: Mr. Gagliardo, are  
7 you ordering this to be transcribed?  
8 MR. GAGLIARDO: Yes.  
9 THE COURT REPORTER: Is standard eight  
10 business days okay?  
11 MR. GAGLIARDO: Yes. I'll tell you what.  
12 We have a conference call with the judge on  
13 Thursday. So, why don't you hold -- hold the order  
14 until after Thursday and I'll let you know --  
15 THE COURT REPORTER: Okay.  
16 MR. GAGLIARDO: -- what we're going to do.  
17 THE COURT REPORTER: Okay. Just in case  
18 you do want it transcribed, are you then going to  
19 want the exhibits attached?  
20 MR. GAGLIARDO: Yes. Now, we're going to  
21 use the same exhibits in both cases. If you'd just  
22 attach them to one or the other deposition, that's

Deposition of Ed Alston  
Conducted on October 18, 2016

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1 all that matters.  
2 THE COURT REPORTER: Okay. That's what  
3 I'll do, then.  
4 MR. GAGLIARDO: But we'll leave them out  
5 here right where they are for the next witness.  
6 THE COURT REPORTER: Yes. Okay.  
7 And, Mr. Wallace, if this is transcribed,  
8 are you ordering a copy of the transcript?  
9 MR. WALLACE: I would assume he wants one,  
10 yes.  
11 MR. GAGLIARDO: He is not primary counsel.  
12 MR. WALLACE: I'm not primary counsel.  
13 Sorry. Steve -- I'm just handling --  
14 MR. GAGLIARDO: He's coming in next.  
15 MR. WALLACE: -- on for this one. So,  
16 you know what, ask -- when Steve comes in here, he's  
17 the primary attorney on this, so he'll -- I would  
18 assume he'd want one, but --  
19 MR. GAGLIARDO: He'll be in here.  
20 THE COURT REPORTER: Okay. Thank you.  
21 MR. GAGLIARDO: And mini-tran --  
22 miniscript and digital.

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1 THE COURT REPORTER: Yes.  
2 MR. GAGLIARDO: Word?  
3 THE COURT REPORTER: Yeah -- well, I can  
4 make that request. So you like -- you want the hard  
5 copy mini and an electronic copy, if, on Thursday,  
6 you decide to order?  
7 MR. GAGLIARDO: Yeah. I mean I  
8 definitely -- I hate the full text.  
9 THE COURT REPORTER: Right. Right.  
10 MR. GAGLIARDO: So mini in Word so I can  
11 cut and paste.  
12 THE COURT REPORTER: Right. Okay. Sure.  
13 Thank you.  
14 (Off the record at 11:41.)  
15  
16  
17  
18  
19  
20  
21  
22

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC  
2 I, Victoria L. Wilson, the officer before  
3 whom the foregoing deposition was taken, do hereby  
4 certify that the foregoing transcript is a true and  
5 correct record of the testimony given; that said  
6 testimony was taken by me stenographically and  
7 thereafter reduced to typewriting under my  
8 direction; that reading and signing was not  
9 requested; and that I am neither counsel for,  
10 related to, nor employed by any of the parties to  
11 this case and have no interest, financial or  
12 otherwise, in its outcome.  
13 IN WITNESS WHEREOF, I have hereunto set my  
14 hand and affixed my notarial seal this 29th day of  
15 October, 2016.  
16 My commission expires January 31, 2019.  
17  
18  
19 \_\_\_\_\_  
20 VICTORIA L. WILSON  
21 NOTARY PUBLIC IN AND FOR  
22 THE DISTRICT OF COLUMBIA



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