

DHS Office of Inspector General/MAIL STOP 0305
Attn: Office of Investigations - Hotline
245 Murray Lane SW
Washington, DC 20528-0305
Fax: 202-254-4297

Friday, March 17, 2017

Subject: Possible Destruction or Tampering of Evidence Utilizing of Government Information Technology Systems by the United States Secret Service.

Dear Mr. Roth,

On August 10, 2016, Administrative Judge Antoinette Eates ordered the USSS to produce the audio recording of [REDACTED] [REDACTED] pre-employment polygraph examination with Special Agent Ellen Ripperger on September 18, 2014.

After his examination, Mr. [REDACTED] received multiple phone calls from two individuals who identified themselves as USSS Special Agents who informed him he did not receive an ethical polygraph examination from Special Agent Ellen Ripperger, that the audio recording of his examination had been destroyed, and advised him to request a copy of his polygraph exam audio under FOIA. One of the unidentified Special Agents stated to Mr. [REDACTED] that Special Agent Ellen Ripperger was known to frequently fail those who disclosed mental illnesses such as veterans with PTSD. (Mr. [REDACTED] disclosed OCD and Depression to the USSS on his SF-86 security clearance paperwork prior to his polygraph examination.)

The audio recording the USSS produced consists of noise which sounds like a tape recording of a windstorm, with the exception of a 22 second header which states the following in perfect clarity: "This polygraph exam is for [REDACTED] [REDACTED] file number 17580220141257. Today's date is September 18, 2014, exam location is WFO, examiner is Ellen Ripperger. Ah there's no derogatory in the examinee's file." A few discernable words can be made out above the noise in the middle of the second audio file of the polygraph exam, and some discernable words can be heard in the last minute of the recording. The audio files contain no information of value.

The USSS did not notify either [REDACTED] [REDACTED] or his attorney Thomas Gagliardo (AFGE) that the audio files were corrupted when producing the audio files. When questioned about this, USSS Attorney Steven Giballa stated that a bad microphone had corrupted the audio files, and the files had been sent to the USSS forensics division, but the polygraph exam audio could not be recovered.

Significantly, two Secret Service Employees, Special Agent Edward Alston and Quality Control Supervisor Thomas Christopher signed a Quality Control Worksheet for [REDACTED] [REDACTED] exam that the audio files were intact and legible after Mr. [REDACTED] Polygraph Examination, with random checks of the audio made throughout the polygraph exam.

Further, Special Agent Ellen Ripperger stated under deposition that only a very small and select group of individuals had command and control of [REDACTED] polygraph audio files due to permission restrictions on the USSS server which included her and her superiors in the USSS Polygraph Unit

Danny Seiler, a former Supervisory Sergeant Maryland State Police Polygraph Examiner, now in private practice, submitted an affidavit stating "Since 1991 in the approximate 2,500 polygraph examinations that I have given, the microphones have never failed to record the exam; nor have the exams not been recorded for any other reason."

For all of the aforementioned reasons, I am formally requesting that the Department of Homeland Security OIG investigate this matter to determine what happened to the audio recording of my polygraph examination. Special Agent Ellen Ripperger stated under oath at deposition that she knew the audio was being recorded properly because she could see the audio recording meter move during the exam, which means either she is telling the truth that the audio was properly recorded in which case the United States Secret Service destroyed evidence in this matter, or that Special Agent Ellen Ripperger lied under oath and she purposely never recorded this polygraph examination. Either possibility is a serious criminal matter, and the OIG should determine which crime was committed and by whom.

I would appreciate responses regarding the following (1) the Complaint Number assigned to this matter, (2) a notification if DHS OIG will or will not investigate this matter, and (3) a notification as to what DHS OIG's findings are in this matter, should it be investigated. I may be reached at the contact information below. Please review the attached Requested Actions and Factual Contentions submitted with this document.

Sincerely,

[REDACTED]

cc: President Donald Trump
cc: Attorney General Jeff Sessions
cc: House Oversight Committee
cc: The Honorable Benjamin L Cardin, The Honorable Chris Van Hollen
cc: The Honorable Dutch Ruppersberger, The Honorable Jason Chaffetz

FACTUAL CONTENTIONS

1. It is Mr. [REDACTED] position that if the audio to this exam can be recovered, it can be proven that Special Agent Ellen Ripperger perjured herself during her deposition approximately 5 times with regard to what transpired during Mr. [REDACTED] polygraph examination.
2. When the audio waveforms of the recordings of [REDACTED] polygraph examinations are viewed using signal processing software (please review affidavit), they are suspicious and indicative of a signal which has been either deliberately corrupted with, or replaced by, white or pink noise utilizing commonly available software.
3. Special Agent Edward Alston stated under deposition that he only checked the audio header file despite signing the Quality Control Worksheet indicating he made random checks of the audio throughout the exam as required by USSS Quality Control.
4. Neither Special Agent Edward Alston nor Quality Control Supervisor Thomas Christopher made any notation in the Additional Notes Section of the Polygraph Program Quality Control Worksheet that any problems existed with the audio recording of Mr. [REDACTED] polygraph examination.
5. Special Agent Ellen Ripperger stated under oath during her deposition that she thought the exam was recording properly because she watched an audio meter monitoring the recording move during the exam. An examination of the audio waveforms in the attached affidavit demonstrates that this version of events is impossible for the audio files produced, especially for a trained examiner.
6. The time duration of the USSS provided audio (3:24:26) is significantly shorter than the duration of Mr. [REDACTED] polygraph examination, which began at 9:45AM and lasted until 3:20PM. Mr. [REDACTED] had one 20 minute break which is an examination length of approximately 5 hours and 15 minutes. The audio files produced by the Secret Service are missing approximately 1 hour and 50 minutes of Mr. [REDACTED] polygraph examination.
7. Under deposition, Special Agent Ellen Ripperger stated that she had not listened to the audio of Mr. [REDACTED] polygraph examination until two months ago, which seems implausible given that Mr. [REDACTED] filed a complaint against her two years ago.
8. Mr. [REDACTED] hired a former Supervisory Sergeant Maryland State Police Polygraph Examiner, Danny Seiler, now in private practice, who submitted an affidavit stating "Since 1991 in the approximate 2,500 polygraph examinations that I have given, the microphones have never failed to record the exam; nor have the exams not been recorded for any other reason."
9. Significantly, none of the Factual Contentions in the Affidavits of Brent Smitley of the Lafayette Polygraph Software Company or [REDACTED] [REDACTED] have been contested by the USSS.
 - a. Brent Smitley's affidavit states "The Lafayette Polygraph Software will warn the examiner when the audio recording level is too low. This feature is enabled by default, and must be disabled manually by the examiner by clicking on Audio/Video Preferences, choosing the General Tab, and unchecking the "Warn on low audio" option."
 - b. [REDACTED] [REDACTED] affidavit demonstrates that the statements made by Special Agent Ellen Ripperger must be false for the audio files produced by the USSS under discovery.

REQUESTED ACTIONS

The following actions are formally requested of DHS OIG in this matter.

1. Have an independent forensic audio expert determine if the audio files of Mr. [REDACTED] polygraph exam were tampered with.
2. Attempt to recover the original uncorrupted audio files of Mr. [REDACTED] polygraph exam stored on Special Agent Ellen Ripperger's laptop and the USSS Server. If this effort is not successful:
 - a. Have an independent forensic audio expert attempt to filter out the noise and recover as much of the dialog during Mr. [REDACTED] Polygraph Exam as possible.
 - b. Determine if USSS forensics division corrupted the audio file of Mr. [REDACTED] exam, rather than trying to enhance and recover its contents as claimed.
3. Special Agent Edward Alston and Quality Control Supervisor Thomas Christopher certified on the USSS Polygraph Program Quality Control Worksheet that an uncorrupted audio file of [REDACTED] polygraph exam existed 7 days after his exam. DHS OIG should determine what types of backups were performed on both Special Agent Ellen Ripperger's laptop and the USSS Server. If backup versioning was utilized, DHS OIG should determine if any versions were deleted, or if any versions contain an original uncorrupted polygraph audio file as certified did exist by Special Agent Edward Alston, and Quality Control Supervisor Thomas Christopher.
4. Interrogate Special Agent Edward Alston, Quality Control Supervisor Thomas Christopher, and Special Agent Ellen Ripperger as to what happened to the audio files of Mr. [REDACTED] polygraph examination.
5. Administer a polygraph examination to all parties involved in maintaining or verifying the integrity of Mr. [REDACTED] polygraph exam audio file, consistent with how the USSS prostitution incident in Columbia was investigated.
6. Determine if Special Agent Ellen Ripperger or anyone else at USSS committed any crimes in this matter such as the destruction of evidence or lying under oath.
7. Determine if a higher authority at USSS instructed Special Agent Ellen Ripperger to fail Mr. [REDACTED] on his polygraph exam, which seems likely given that she broke out crying and was visibly shaking during her deposition.