

31 Jul 2014, 15:28, 2nd Edition

"Poly Wants a Cracker... will she ket one... time will tell...":

Click the underlined Subject Title above to email notification to someone about this Report...

Date: 7/28/2014

From: "Poly"

DETAILS: follow-up information and clarification...

None of us that submitted the whistleblower information regarding the DEA polygraph scandal expected the overwhelming response and "chatter" that this has generated within the Drug Enforcement Administration offices and the public information personnel that monitor DEA Watch at large. The letter published prudently and expeditiously by DEA Watch 7/23/2014 and addressed to members of Capitol Hill regarding this ongoing scandal within the Drug Enforcement Administration has proven prescient in its dissemination. What nobody contemplated was the response by an anonymous DEA female agent dated 7/26/2014 in an open letter to Director Comey of the Federal Bureau of Investigation requesting a formal investigation of the illegal activities of a federal agent and/or basic agent trainee. In deference to this anonymous female DEA agent we wholeheartedly concur with her request for a formal investigation of this matter and the broad scope it will encompass. The statute of limitations issues regarding current employees or employee candidates within the Drug Enforcement Administration will be determined as the investigation moves forward. However, as noted by one of the comments recently on DEA Watch the "Trojan Horse factor" must be investigated regarding this misconduct.

In the letter to Capitol Hill members that was originally published by DEA Watch there was also attached to this letter a heavily redacted list of persons who also received copies of this letter in the CC list which was not published by DEA Watch in an abundance of caution at the time of the original letter submission for proper vetting and annotation. Given the extremely serious nature of this illegal and ethically reprehensible conduct we are re-submitting an un-redacted copy of the letter to Capitol Hill members dated 7/21/2014 in its entirety, un-redacted, to include the CC list for consideration and further commentary. The persons listed on the CC list were individually mailed copies of the letter dated 7/21/2014. These

persons on the CC list have public information about them listed on the Internet and were contacted as part of a Nationwide notification. If you have not received your copy of the letter you need to contact your mailer service personnel. If you have received your copy of the letter then consider it your official notification that you have been put on notice for reporting purposes regarding the DEA Standards of Conduct requirements. Those of you listed on the CC list mayor may not have had direct knowledge about some of the issues regarding employment candidates within the Drug Enforcement Administration. We would strongly suggest that DEA employees on the CC list check their Firebrand history files to see if they in fact have any evidentiary files that may show some complicit or ancillary conduct in this rapidly unfolding scandal.

The un-redacted letter now follows in its totality with the complete CC list:

July 21, 2014

To:

The Honorable Claire McCaskill
United States Senate
506 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Darrell Issa
United States Congress
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

The Honorable Mitch McConnell
United States Senate
361A Russell Senate Office Building
Washington, D.C. 20510

From: Numerous Concerned WHISTLEBLOWERS at the Drug
Enforcement Administration

Subject: DEA Special Agent Candidate Polygraph ILLEGAL Hiring
Misconduct Scandal

The Drug Enforcement Administration is the worldwide premier drug law enforcement organization. The critical nexus in this mantra are the employees hired, trained, and utilized worldwide throughout their careers.

The mission-critical linchpin is the screening process of potential Special Agent and administrative personnel candidates who may be handling extremely sensitive investigative information and related intelligence gathering results. Many potential selectees for these positions of trust requiring security clearances and other training have been required for many years to be subjected to a polygraph examination as a final step in the applicant hiring process for potential employee candidates. During the routine polygraph examination, there are a certain set of standardized questions and answers obtained. While the veracity and truthfulness of the information obtained during the question and answer session regarding the standardized protocols of the polygraph can be debated endlessly; that is not the problem that is being addressed in this letter.

The critical issue being reported and requiring an in-depth investigation deals with the area of polygraph examinees self admissions obtained during a SIGNIFICANT RESPONSE(SR) to the polygraph process. It is widely known throughout all federal agencies that utilize polygraph procedures that the self admissions made by examinees can be the most revealing and IMPORTANT, when considering the fitness of a potential candidate for employment in the United States Government. These self admission revelations span the entire spectrum of criminal, civil, and moral turpitude. Subjects such as petty theft, grand larceny, animal cruelty, domestic violence, sexual misconduct, rape, illegal drug usage/sales, terroristic activities, and murder have been revealed in many government wide polygraph examination programs. Keep in mind that these DEA polygraph sessions are video and audio recorded, and corresponding DEA-6's (written reports - DEA only) are prepared to document these responses. The response to serious misconduct revelations is the CRITICAL FLAW in the DEA polygraph process!

The following consists of a series of excerpts of several email exchanges by DEA Management Officials involved in the hiring and screening process for DEA Special Agent Applicants in February 2014, which is set forth below. These emails expose the Drug Enforcement Administration's Polygraph Unit problems located within the Office of Investigative Technology(ST), which are set forth as follows and relate to potential selectee Special Agents for BAT Class 199, which started in early May 2014. SA-13-0011 (Name Redacted) is currently enrolled in BAT-199.

In a February 5, 2014 email at 9:21 a.m. from Mary C. Toomey, GS-14, DEA Polygraph Unit, to Walter C. Morrison (Chief, Office of Special Agent HR Services (HRL) and David Battiste, Toomey wrote

an email and stated that she discovered Special Agent Applicant examinees made significant admissions during their polygraphs. SA-13-0080 (Name Redacted/on file) failed "crimes" and admitted that he raped a woman in college. SA-13-0011 (Name Redacted/on file) failed "Involvement with illegal drugs" and admitted while working for (another Federal Agency) he destroyed drug evidence instance [sic] of processing it. SA-10-0422 (Name Redacted/on file) failed "involvement with terrorist activities" and admitted to making terrorist comments about putting a [sic] IED into a church. These three individuals should under no circumstances be going to Quantico. Ms. Toomey asked for clarification whether these three applicants were still be going to proceed into Basic Agent Trainee (BAT) Class 199, which was set to start in mid-May 2014.

In a February 5, 2014 email at 10:19 a.m. from Walter C. Morrison to Raymond A. Pagliarini, David Battiste, Kevin M. Donnelly, and Patricia A. Murphy, with a copy to Diane E. Filler, entitled, "Issues with Polygraph"..., and marked "Importance: High", Morrison wrote that the three (3) Special Agent Applicants SA-13-0080, SA-13-0011, and SA-10-0422, who had been approved for hire by the 1811 Hiring Panel (consisting of 3 GS-15s) and are being considered for an upcoming BAT class. Mr. Morrison wrote that he was upset that Ms. Toomey took it upon herself to review the decisions of the 1811 Hiring Panel and recommend that previously approved SA Applicants should be removed from consideration, because there were Significant Responses (SR) on their polygraph examinations. Mr. Morrison referred to Ms. Toomey's email as being, *far out of her lane*" and that Toomey was threatening to go to her boss if these Special Agent applicants were slotted for a BAT class. Mr. Morrison also referenced former and now retired Deputy Assistant Administrator Fred Ganem, who used to write memorandums not recommending applicants who received an SR on the polygraph.

Mr. Morrison then stated that he understood Ms. Toomey's concerns about the Significant Responses (SR's) on the polygraph by these applicants, but, until DEA changed their policy, "the 1811 Hiring Panel will proceed as directed by DFA Senior Management and not reject SA Applicants solely on an SR".

In a February 5, 2014 email at 10:39 a.m. from Raymond A. Pagliarini (Assistant Administrator, Human Resources Division) to Preston Grubbs (Assistant Administrator), entitled, "Issues with

Polygraph"..., and marked "Importance: High:" Pagliarini wrote, "Preston, sent this before I wrote this note. I wanted you to see this before I take it to Tommy [Harrigan] and Michele [Leonhart] This is almost the same issue that Fred G., except he didn't go this far. I know you know this will not sit well with Michele. Let me know how you want me to proceed. Thanks. Raymond A. Pagliarini, Jr."

In a February 5, 2014 email at 10:44 a.m. from Preston L. Grubbs to Raymond A. Pagliarini and a copy to William L. Grant, entitled, "Issues with Polygraph"... Grubbs wrote, "Ray: I will handle this. I will remind my people of their specific role in the hiring process..."

Additionally, for your review, we have included Exhibit #1 consists of the revised DEA Giglio Policy dated: May 12, 2014. Exhibit # 2 is the current DEA Policy regarding the Electronic Recording of Statements, dated: May 12, 2014.

The above email string concerns issues with a recent DEA Basic Agent Trainee (BAT - 199) class. We encourage all interested parties to carefully review these emails, in their entirety regarding these polygraph issues and the ensuing "debate" of them. I think you will find some alarming civil and criminal misconduct in this important legal matter which goes all the way up to the Drug Enforcement Administration (DEA) Office of the Administrator, Michele Leonhart. It should be noted for the record that Michelle Leonhart became the Acting DEA Administrator in November 2007. Ms. Leonhart was subsequently sworn in as the DEA Administrator in December 2010. Throughout her tenure as DEA Administrator, Ms. Leonhart has taken it upon herself to be the final OVERRIDING authority when granting hiring or disqualified status to numerous employee candidates over the past years of her tenure as DEA Administrator.

Many persons of various rank and authority (e.g.-Special Agents-in-Charge, Unit Chiefs, Senior Staff, Senior Special Agents etc.) inside the Drug Enforcement Administration have tirelessly tried to address their serious concerns, individually and collectively, with this egregious conduct involving these revelations revealed during assorted polygraph interviews over the past four or more years. For example, some Special Agents-in-Charge, including SAC Mark Trouville, Miami Field Division, refuse to sign Special Agent applicant packages reflecting his approval/concurrence on memorandums relative to the suitability of these applicants, because previously, on some applicant packages, his refusal to recommend a particular candidate was chastised by Preston Grubbs and Raymond

Pagliarini. Basically, the Administrator has let it be known that she has the final right to decide on employment suitability and anyone disagreeing should simply keep quiet and mind their own business if they want to keep their current assignment and employment with the DEA. Many of Ms. Leonhart's decisions to hire new Special Agent candidates who would have otherwise been disqualified due to their admissions to serious criminal and felonious misconduct and Giglio relates issues, have been friends or relatives of politically influential persons throughout the United States, and therefore, politically advantageous for the Administrator.

One person who chose not to "keep quiet" was Fred Ganem, SAC (retired), DEA Office of Investigative Technology. Mr. Ganem chose to write memorandums regarding unsuitable candidates for employment and was chastised for doing so prior to his retirement. (Note: He is referred to in the above email strings as {Frank G.} in the portion: From-Pagliarini, Raymond A. Sent- February 05, 2014 10:39 a. m. To- Grubbs, Preston L. Subject- Issues with Polygraph...

Additionally, a review of this email string and the language and tenor used in questioning the motives of Mary Toomey, GS-14, Polygraph Unit Chief reporting this misconduct, is quite troubling. In essence, her legitimate concern for the DEA and public is trumped by higher grade DEA Officials, specifically Harrigan, Grubbs, and Pagliarini, angry that she would not follow the Administrator's mandates. Some of the language in this email string may reveal that person(s) named and/or unnamed may be presently subjected to retaliation for bringing these serious matters to the forefront of management officials within the Drug Enforcement Administration Polygraph Unit on a repeated basis.

There are many other current and retired personnel that are well aware of this situation but do not have the ability, finances, desire, or willingness to subject themselves to the "DEA/OPR/OIG/OSC meat grinder" that taking a stand on this serious issue would entail.

The areas of concern continue to be:

- o Violation of the DOJ Standards of Conduct Violation of the DEA Standards of Conduct Violation of the DOJ Giglio Policies**
- o Violation of the rules regarding Giglio AUSA reporting procedures Violation of the Bivens Doctrine**

- **Violation of the Brady Doctrine**
- **Violation of the Jencks Doctrine**
- **Violation of the Exculpatory Evidence Doctrine**
- **Violations related to misconduct under "color of authority"**
- **Violation of the civil/criminal liability doctrine of Negligent Retention**

Summation:

As you are well aware, polygraph utilization by numerous Federal Government entities is widespread and necessary, given the current complexity of human interactions, honesty/integrity issues, sources of information, and employment considerations. While polygraph results are never 100% in their certainty, they can be a useful tool in ascertaining matters of truthfulness in civil, criminal, employment, and other assorted investigations.

In the representative "tip of the iceberg" email string contained above, there are extremely serious misconduct allegations involving serious criminal/civil allegations of DEA pre-employment candidates. These allegations concern VOLUNTARY ADMISSIONS by the Basic Agent Trainee (BAT) candidates (Names Redacted) during their respective video and audio recorded polygraph sessions. Significant admissions of misconduct were subsequently documented in written form by the DEA-6 reporting format contained in the DOJ/DEA/Firebird electronic media system. These allegations have been reported for years and many have subsequently been ignored by the Administrator, Harrigan, Grubbs, and Pagliarini. There are extensive electronic and paper records of these findings within the DEA electronic records system and the Federally mandated data preservation systems that encompass it. The extent of the reporting and discussion of these issues is easily discovered and revealed in the electronic investigative documentary trail that is present in all email systems in the Federal Government.

The prescient questions are these:

- 1. Will this information be subjected to the same sort of "accidental/deliberate" destruction that other high profile Government cases have endured recently when an active Agency and/or Capitol Hill Investigative Inquiry is undertaken?**

2. Will a Congressional/Senatorial Investigative Inquiry and subpoena of current and former knowledgeable officials from the DEA provide information on reported and un-reported individuals vetted improperly in the employment process?

3. Will the U.S. Constitutional Judicial Process permit Federal Agents to arrest and charge U.S. Citizens and Foreign Nationals with drug crimes and other assorted criminal conduct while those very same Agents may have previously engaged in criminal misconduct of their own that is un-adjudicated and/or still within the applicable statute of limitations period to be criminally charged?

4. How many millions of dollars in collateral damage(s), lost investigative resources, and unforeseen re-investigative expenses will this willful misconduct cost the U.S. taxpayers?

5. How much United States government embarrassment and Drug Enforcement Administration reputation degradation will this preventable misconduct place at the feet of the government agencies accountable for it?

6. Could there be other Federal Agencies with similar problematic polygraph investigative issues of a serious nature?

The Administrator has routinely disregarded the findings in many (not all) cases of disqualifying conduct for many years and allowed unqualified candidates to become sworn DEA Special Agents. The legal ramifications for DEA and the Federal Judicial System are staggering&

Possible implications include, but are not limited, to the following:

- How many current or former Agents have undisclosed criminal/civil polygraph issues, some of which are still within the applicable statute of limitations period to be criminally charged?**
- Who reported these issues?**
- Who refused to act upon these disclosures?**
- What measures were taken to confirm or disallow these disclosures?**
- What person(s) exerted improper/illegal influence to quash reporting of these issues?**
- Are these Agents, past, present, or future, liable to affect the outcome of past, current, or pending DEA cases?**

Many DEA personnel have reasonably and properly attempted to report this misconduct and request further guidance in addressing it. However, the current conditions in the U.S. Government, the Department of Justice, and the Drug Enforcement Administration have resulted in concerned parties forced to remain Silent, Retire, or Suffer the Consequences for speaking out! Some retired and current DEA Management officials are more than willing to truthfully testify as to this egregious pattern of misconduct by the DEA Administrator and her "yes men" only when, and if, they are served with a duly authorized subpoena to testify, under oath, at a Congressional inquiry or other legal proceeding.

The citizens of the United States deserve better, the thousands of dedicated DEA employees past, present, and future, deserve better, and current legal statutes and policies demand that this situation be investigated and corrected IMMEDIATELY before it implodes and destroys the credibility and veracity of the Drug Enforcement Administration.

Thank you for your time and attention to this important matter.

Respectfully submitted on behalf of numerous concerned former and current DEA employees, who believe in honesty, integrity, truthfulness, and full disclosures, who have become embarrassed by the acts of some top level DEA Management officials, including the Administrator, Harrigan, Grubbs, and Pagliarini.

Enclosures: (2)

CC:

Mr. Jared Polis

Mr. James B. Comey

Office of the Inspector General, DOJ Ms. Michele Leonhart

Mr. Thomas M. Harrigan

Mr. James L. Capra

Mr. Walter C. Morrison

Mr. Preston Grubbs

SAC, DEA Office of Training Mr. Harry S. Sommers

Mr. John Riley

Mr. Daniel R. Salter

Ms. Barbara M. Roach

Mr. James V. Allen

Mr. Will R. Glaspy

Mr. Joseph M. Arabit

Mr. Anthony Williams
Mr. Mark R. Trouville
Mr. Michael J. Ferguson
Mr. Carl J. Kotowski
Mr. Raymond Brown
Mr. James J. Hunt
Mr. David G. Dongilli
Mr. Douglas W. Colman
Mr. William R. Sherman
Mr. Jay Fitzpatrick
Mr. Mathew G. Barnes
Mr. James P. Shroba
Mr. Karl C. Colder FLEOA Headquarters
Mr. Phill Coleman
Federal Public Defenders Office American Bar Association
Mr. Jay Sekulow
Ms. Marisa Taylor
Mr. Bill O'Reilly
Mr. Lou Dobbs
Ms. Megan Kelly
Mr. James Rosen
Washington Times
The Washington Post
JudicialWatch.org

CC Mailing Addresses List: (for clarity outside of DEA)

The Honorable Darrell Issa United States Congress
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

The Honorable Mitch McConnell United States Senate
361A Russell Senate Office Building
Washington, D.C. 20510

The Honorable Claire McCaskill United States Senate
Hart Senate Office Building, Ste. 506 Washington, D.C. 20510

Mr. James B. Comey, Director Federal Bureau of Investigation FBI
Headquarters
935 Pennsylvania Avenue, NW Washington, D.C. 20535-0001

**U.S. Department of Justice Office of the Inspector General Investigations
Division
950 Pennsylvania Avenue, N. W. Room 4706
Washington, DC 20530**

**Mr. Thomas M. Harrigan
DEA Headquarters
700 Army Navy Drive Arlington, Virginia 22202**

**Mr. James L. Capra
DEA Headquarters
700 Army Navy Drive Arlington, Virginia 22202**

**Mr. Walter C. Morrison, Chief Ofc. of Special Agent HR Svc.
700 Army Navy Drive Arlington, Virginia 22202**

**Mr. Preston Grubbs
DEA Headquarters
700 Army Navy Drive Arlington, Virginia 22202**

**Special Agent in Charge
DEA Office of Training
P.O. Box 1475
Quantico, Virginia 22124-1475 **DEA Domestic Offices****

**Mr. Harry S. Sommers, SAC Atlanta Division DEA
75 Spring St. S. W., Room 800 Atlanta, GA 30303**

Mr. John Riley, SAC Chicago Division DEA

**John C. Kluczynski Fed. Bldg. Suite 1200 230 S. Dearborn St.
Chicago, IL 60604**

**Mr. Daniel R. Salter, SAC Dallas Division DEA 10160
Technology Boulevard East, Dallas, TX 75220**

**Ms. Barbara M. Roach, SAC Denver Division DEA
12154 East Easter Avenue Centennial, CO 80112**

**Mr. James V. Allen, A/SAC Detroit Division DEA
431 Howard Street Detroit, MI 48226**

**Mr. Will R. Glaspy, SAC El Paso Division DEA 660
Mesa Hills Drive, Suite 2000 El Paso, TX 79912**

**Mr. Joseph M. Arabit, SAC Houston Division DEA
1433 West Loop South, Suite 600 Houston, TX 77027-9506**

**Mr. Anthony Williams, SAC
Los Angeles Division DEA
255 East Temple Street, 17th Floor Los Angeles, CA 90012**

**Mr. Mark R. Trouville, SAC Miami Division DEA
2100 North Commerce Parkway Weston, FL 33326-323403**

**Mr. Michael J. Ferguson, A/SAC New England Division DEA
JFK Federal Bldg., Room E-400 15 Sudbury Street
Boston, MA 02203**

**Mr. Carl J. Kotowski, SAC New Jersey Division DEA
80 Mulberry Street, 2nd Floor
Newark, NJ 07102-4206**

**Mr. Raymond Brown, SAC New Orleans Division DEA 3838
N. Causeway Blvd., Suite 1800 Three Lakeway Center
Metairie, LA 70002**

**Mr. James J. Hunt, SAC New York Division DEA 99 10th Avenue
New York NY 10011**

**Mr. David G. Dongilli, SAC Philadelphia Division DEA Win. J. Green Fed.
Bldg.
600 Arch Street, Room 10224 Philadelphia, PA 19106**

**Mr. Douglas W. Colman, SAC Phoenix Division DEA Westmount Place,
Suite 301 3010 North 2nd Street Phoenix, AZ 85012**

**Mr. William R. Sherman, SAC San Diego Division DEA
4560 Viewridge Avenue
San Diego, CA 92123-1672**

**Mr. Jay Fitzpatrick, SAC San Francisco Division DEA 450 Golden Gate
Ave.**

**P.O. Box 36035
San Francisco, CA 94102**

**Mr. Mathew G. Barnes, SAC Seattle Division DEA 300
5th Avenue, Suite 1300 Seattle, Washington 98104**

**Mr. James P. Shroba, SAC St. Louis Division DEA 317 South 16th Street
St. Louis, MO 63103**

**Mr. Karl C. Colder, SAC Washington, DC Division DEA 800 K Street, N.
W., Suite 500 Washington, DC 20001**

**FLEOA Headquarters
1100 Connecticut Avenue, NW, STE 900 Washington, DC 20036**

**Mr. Phill Coleman
Editor-in-Chief
DEA Watch
16907 Brighton Ave. Gardena, CA 90247-5420**

**Federal Public Defenders Office 625 Indiana Ave NW #550 Washington,
DC 20004**

**American Bar Association
1050 Connecticut Ave. N.W. Suite 400
Washington, D.C. 20036**

**Mr. Jay Sekulow, Chief Counsel American Center for Law and Justice PO
Box 90555
Washington, DC 20090-0555 Ms. Marisa Taylor**

**McClatchy Washington Bureau
700 12th St. NW, Suite 1000, Washington, DC 20005 Mr. Bill O'Reilly**

**Fox News
1211 Avenue of the Americas New York, NY 10036**

**Ms. Megan Kelly
Fox News
1211 Avenue of the Americas New York, NY 10036**

**Mr. Lou Dobbs
Fox News
1211 Avenue of the Americas New York, NY 10036**

**Mr. James Rosen
Fox News
1211 Avenue of the Americas New York, NY 10036**

**Mr. John Solomon, Editor The Washington Times 3600 New York Ave NE
Washington, DC 20002 Editor**

**The Washington Post 1150 15th Street
NW Washington
DC 20071 JudicialWatch.org
425 Third Street SW, Suite 800 Washington, DC 20024**

**D/VV Note: The Report referred to in the above wire is permanently posted
at this URL: [CLICK HERE to read the Report](#)**

**[Click here to submit new or different info on this
report... *****](#)**