



Subject Polygraph Examination of CS-01-105237	Date 03/04/03
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To
Jeffrey Behrmann
Unit Chief, STCP
Office of Investigative Technology

From
E. Victor Perez
Staff Coordinator, STCP
Office of Investigative Technology

Reference is made to the DEA-6 dated 03/03/03 re. Same subject matter.

This is a summary of the events that led to aforementioned polygraph examination, which were discussed with you on this date. This memo will serve as a supplement to mentioned DEA-6.

On 02/28/03, I was on annual leave (AL) status. At approximately 11:45 am, while on AL, you contacted me via pager. Upon returning your call, you advised me that Susan Tischler, Senior OPR Inspector, SEFO, was inquiring about the availability of a Spanish speaker SA/Polygraph Examiner to conduct a test on that day. I immediately contacted Senior Inspector (SI) Tischler. She then advised me that OPR needed to conduct a Peak of Tension polygraph test on a CS immediately and it had to be in Spanish. I advised SI Tischler that I was on AL and asked her if this could take place on 03/01/03. She responded that it was needed that day. I then asked SI Tischler the following questions: (a) was there a threat against the life of an Agent? She answered "NO." I then asked (b) is the life of a person in jeopardy. The answer was again, "No." I then asked, since nobody's life was in jeopardy, if the test could be conducted the following day? SI Tischler said that she would rather have it done as soon as possible.

At this point, I advised SI Tischler that I was on AL and had a pre-paid day at Doral Spa. She then asked if I could re-schedule it, I replied that the Spa had a 24-hour cancellation policy and that I'd lose the money if I did not showed-up. However, if OPR was willing to reimburse me for the cost of my expenses that I'd immediately go to Plantation to do the test. She then replied that this was not possible, but she would like me to be available to do the test that night. I said that I'd be available after my last session, which ended at 6:00 pm., and that I could arrive at Plantation between 8 and 8:30 pm. SI Tischler said that she would call me on my pager to advise me whether OPR would need my services that night.

At about 4:45pm, SI Tischler left me a message saying that my services will be needed that night and to contact Inspector Flanagan or Wright for further information. I arrived at the OPR Plantation offices at 8:30pm. Present at the offices were the mentioned OPR Inspectors in the DEA-6, additionally, USCS Inspector Norman Del Toro, who was assisting the DEA Inspectors with the CS's interview. Also present was SA Leo Figueroa, BCO, who was escorting the CS from Colombia (SA Figueroa was not aware of the purpose of why the CS was brought to be interviewed).

It is noted that Inspector Del Toro is a fluent Spanish speaker as well as Inspector Flanagan. It is also noted that Inspector Nave was a former DEA polygraph examiner. Moreover, John Driscoll, Deputy Chief Inspector, is also a former polygraph examiner. Before starting the test, we all had a conference call with Mr. Driscoll to ascertain the issue to be resolved. Mr. Driscoll requested that a POT be used on this particular test.

After the test was over and done, I rendered the test to be a "NO Opinion" examination for the following reasons: (a) before I started my pre-test, the CS had undergone 12 hours of interviews at various stages; thus, the CS was physically and mentally exhausted, (b) even though the CS had several versions of how he obtained the document, the CS never waived on who was the source, (c) because the CS had repeatedly stated that [REDACTED] was his source, despite being told that he was lying, the CS psychological set was targeted on [REDACTED] and (d) the CS responded with a "yes" answer to the key question concerning [REDACTED]. In fact, the CS had very significant Responses to the question concerning [REDACTED].

I advised all the Inspectors involved concerning my opinion, to include Mr. Driscoll and Ms. Tischler.

I suggested that in order to find-out with certainty whether the DEA [REDACTED] in CB was involved in anyway in this situation was to conduct a specific test about him, the [REDACTED]. However, at this point I could not discount his involvement in this matter. I made myself available to conduct further testing on 03/01/03.

At this time, OPR decided not to conduct any further polygraph testing.

It is my opinion that with a little more information and preparation, I would have conducted a R/I testing technique vs. a POT, which could have yielded better test results by addressing more pointedly the issues to be resolved. It is also important to note that a Spanish speaking examiner was not needed to conduct the test as there were fluent Spanish speaking Inspectors that could have assisted a non-Spanish speaking examiner with the translation.

Although one of the issues was to find out who provided the CS with the document; more importantly, the real issue was not who had giving the document to the CS, but rather who extracted this document from the DEA files at the BCO.

During the interview with the Inspectors, the CS stated that over the last few years he/she had been able to obtain between 50 to 60 documents from the BCO at will. This is not a new revelation to us, as we (you, Jon Wicker and I) met with GS David Tinsley on January 2000; whereas GS Tinsley related to us that he had a CS that was obtaining documents from inside the BCO and showed us an original document, not a photocopy.

The CS further stated that the narco-traffickers knew a day in advance, with coordinates, when DEA/CNP were going to fumigate the marijuana/coca fields. Thus, they were always prepared to protect the fields.

On 03/04/03, I conferred with Mr. Gary Light, DoDPI/QAP, concerning the salient points of this polygraph examination; to which, Mr. Light concurred with my assessment of the situation and my "NO Opinion" result.

REPORT OF INVESTIGATION

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1. Program Code	2. Cross File	Related Files	3. File No. GFAN-03-9248	4. G-DEP Identifier
5. By: E. Victor Perez At: Staff Coordinator Office of Investigative Technology (STCP)	<input checked="" type="checkbox"/> PA-03-0098 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		6. File Title POLYGRAPH EXAMINATION OF CS	
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input checked="" type="checkbox"/> Action Requested By: OPR/SEFO			8. Date Prepared 03/03/03	
9. Other Officers: Michael Flanagan, Adolphus D. Wright and Susan Nave, OPR Inspectors, SEFO				
10. Report Re: Polygraph Examination of CS-01-105237 on 02/28/03 at Plantation, Florida.				

SYNOPSIS

On 02/28/03, Staff Coordinator E. Victor Perez conducted a polygraph examination of CS-01-105237 to ascertain the CS's source regarding the procurement of a DEA classified document housed at American Embassy, DEA Bogota Country Office. SC Perez rendered the results of this polygraph examination as No Opinion.

DETAILS

1. On 02/28/03, Jeffrey Behrmann, Unit chief, STCP, contacted E. Victor Perez, Polygraph Staff Coordinator, to advise him that Susan Tischler, Senior Inspector, Office of Professional Responsibility (OPR), South East Field Office (SEFO), was requesting the assistance a Spanish speaking SA/Polygraph Examiner to conduct a polygraph examination on that day. At approximately 8:30 p.m., SC Perez was briefed by Michael Flanagan, Susan Nave and Adolphus D. Wright, Inspectors, OPR, SEFO, regarding the issue to be resolve during the polygraph examination of CS-01-105237, hereinafter called CS.

2. SC Perez presented the CS with Polygraph Examination Consent, in Spanish, which he read, said to understand, and signed. Although the CS has a slight knowledge of the English language, the entire polygraph proceedings were conducted in Spanish.

3. During the pre-test interview the CS communicated to SC Perez one of several versions that the CS had previously related to the OPR Inspectors throughout the day. The CS related to SC Perez the following events

11. Distribution: Division District Other	12. Signature (Agent) E. Victor Perez	13. Date 03/03/03
	14. Approved (Name and Title) Jeffrey Behrmann Unit Chief, STCP	15. Date

DEA Form - 6
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Drug Enforcement Administration

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regarding the document in question. The CS stated that sometime during the middle of November 2002, ██████████ BCO, requested the CS's presence at the BCO's offices. The CS was escorted through the American Embassy and inside the DEA offices to ██████████ office. At that time, ██████████ showed the CS a document containing names of other CSs with their addresses, phone numbers, and where they were working at as sources, i.e. ██████████. The CS told ██████████ that he/she was not acquainted with any of those names in the list. Then, ██████████ retrieved the document from the CS and took it, along with other papers, to a back office. This back office was large, well appointed and with the pictures of President G.W. Bush and others. The CS said that the document was never left unattended. The CS stated that he/she had been to the DEA offices in many instances sometimes alone and sometimes with ██████████, a CNP Captain, and a member of the Sensitive Investigative Unit (SIU). The CS knew the layout of the office very well. The CS had drawn a detailed map of the American Embassy and BCO offices to the OPR Inspectors earlier that day.

4. Around the 8th of January 2003, the CS met with ██████████ (one of the CS's sub-sources) at ██████████'s house and discussed the above mentioned document and its importance. Three to five days later they met again, at a café near the Unicentro Commercial shopping center located at 122/19th street in Bogota. At this time, ██████████ showed the CS the document but did not give it to him/her. The CS paid ██████████ 200,000 Colombian pesos (around \$200 USD) for general expenses, but not for obtaining the document.

5. The polygraph examination was to determine the CS's veracity regarding the source that provided the CS with a DEA classified document housed at American Embassy, DEA Bogota Country Office (BCO).

6. S/A Perez thoroughly reviewed all the polygraph examination questions with the CS. At the request of OPR, SC Perez utilized a Peak-of-Tension Question Technique to test the veracity of the CS's provider of mentioned document. The following relevant questions were asked of the CS.

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Peak of Tension Test

Preparatory/Prefix Phrase: Regarding the document that we have been speaking about. Who of the following persons provided you with this document?

Key: [REDACTED]
 Key: [REDACTED]
 Key: [REDACTED]

Note: the CS responded to all questions with a "NO" answer, except to the key of [REDACTED] to which he answered with a "yes" response. The CS stated that [REDACTED] was the one that provided the document so there was not point in lying to it.

6. After analyzing the polygrams, SC Perez rendered a "NO Opinion" result. Concerning the relevant questions. No post-test interview was conducted. The polygraph examination ended at approximately 10:20 p.m. and the entire proceedings ended shortly after midnight.

7. S/A Perez advised the aforementioned OPR Inspectors of above mentioned results. In addition, they were advised that the polygraph charts would be review at the DEA Headquarters level and only after that review would the results are considered final.

8. Then, SC Perez along with the OPR Inspectors had a conference call with John E. Driscoll, Deputy Chief Inspector, OPR/HQs, where Mr. Driscoll was advised of all the events that took place. Senior Inspector Tischler was also advised of the results.

9. On 03/03/03, SC Perez advised Unit Chief Jeffrey Behrmann of aforementioned events.

10. All appropriate pertinent documentation concerning this polygraph examination will be retained at STCP, Lorton, Virginia.