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MEMORANDUM FOR MICHAEL C. TARR
ASSISTANT INSPECTOR GENERAL
for INVESTIGATIONS

FROM: Donald J. Balberchak *[Handwritten signature]*
Special Agent in Charge
Miami Field Office

SUBJECT: [REDACTED]
United States Secret Service [REDACTED]
Atlanta, Georgia

Case Number: 2002-0607

This is a Closing Investigative Memorandum.

This investigation was initiated on June 27, 2002, as a result of information received from the document entitled "Little Known Secret Service 'Dirty Little Secrets,'" alleging that United States Secret Service (USSS) [REDACTED] ([REDACTED]) [REDACTED] berated USSS Special Agent (SA) [REDACTED] for not being willing to commit perjury in a government case against [REDACTED].

On July 25, 2002, a telephonic interview was conducted with USSS SA [REDACTED]. [REDACTED] advised that [REDACTED] arrested [REDACTED] in Atlanta, Georgia, during a counterfeit case coordinated by USSS SA [REDACTED]. [REDACTED] reported that [REDACTED] requested legal counsel during the booking process. [REDACTED] claimed that [REDACTED] arrived after the request for counsel and when notified of the request stated, "I'm going to pretend you didn't tell me that". [REDACTED] stated that [REDACTED] told [REDACTED] "Everyone else in the case is saying it was you so you better give a statement." [REDACTED] advised that [REDACTED] subsequently provided a written statement to [REDACTED] admitting [REDACTED] guilt in the case.

[REDACTED] reported that Assistant United States Attorney (AUSA) [REDACTED] called [REDACTED] the next day and asked if [REDACTED] requested an attorney after the arrest. [REDACTED] reported that [REDACTED] also asked [REDACTED] if [REDACTED] turned the case over to case agent [REDACTED]. [REDACTED] answered "yes" to both questions.

[REDACTED] advised that [REDACTED] (A [REDACTED]) [REDACTED] told [REDACTED] that [REDACTED] "screwed up" and shouldn't tell AUSAs what happens in the office. [REDACTED] reported that [REDACTED] also told [REDACTED] that [REDACTED] did nothing wrong and that [REDACTED] "needed to have a police mentality". [REDACTED] further reported that [REDACTED] told [REDACTED]

that [REDACTED] was upset with [REDACTED] for talking to the AUSA and that [REDACTED] was being transferred to a new unit so they could teach [REDACTED] how to do things. [REDACTED] informed the OIG that [REDACTED] never had any direct contact with [REDACTED] concerning the case or [REDACTED] subsequent transfer to a new unit. [REDACTED] advised that this case occurred two years ago and that the [REDACTED] case was not dismissed. [REDACTED] reported that [REDACTED]'s post arrest statements were not used in discovery and that [REDACTED] plead guilty to the charges.

The allegations are not substantiated as [REDACTED] did not have direct contact with [REDACTED] regarding the case. [REDACTED] is no longer subject to administrative actions as [REDACTED] is retired and is no longer an employee of the United States Secret Service.

Allegations that [REDACTED] tried to "fix" a traffic ticket for a relative were not substantiated. The allegation did not provide enough information to determine the date, time, place, the nature of the offense or whether the [REDACTED] Police Department did in fact issue a citation to a relative of [REDACTED].

Attachment:



MEMORANDUM OF ACTIVITY



Case Number: 2002-0607	Reporting Office: Miami Field Office	Type of Activity: Telephonic Interview
Date of Activity: 07/25/02	Time of Activity: 4:00 p.m.	Location of Activity: Miami, Florida
Subject of Activity: Special Agent United States Secret Service (USSS) Atlanta, GA.	Activity Conducted By (Name(s) and Title(s)) Special Agent	Signature(s) and Dates(s) Signed: 7/26/02

The Office of Inspector General (OIG) interviewed [redacted] in reference to allegations that USSS [redacted] berated Agent [redacted] or not being willing to commit perjury in a government case against [redacted]. The allegation originated with an anonymous source in a document titled "Little Know Secret Service Dirty Little Secrets". The allegation specified that USSS Special Agent [redacted] refused [redacted]'s request for counsel and lied about it to the Assistant United States Attorney (AUSA) handling the case. It was further alleged that [redacted] confirmed [redacted]'s request for counsel to the AUSA resulting in a dismissal of the case.

[redacted] advised that [redacted] arrested [redacted] in Atlanta during a counterfeit case coordinated by [redacted]. [redacted] arrived after the request for counsel was made and asked [redacted] if [redacted] had given a statement. [redacted] advised that [redacted] asked for an attorney during the booking process. [redacted] claimed that [redacted] told [redacted] "I'm going to pretend you didn't tell me that" and proceeded to tell [redacted] to give a statement. [redacted] also stated that [redacted] told [redacted] "everyone else in the case is saying it was you so you better give a statement". [redacted] advised that [redacted] subsequently provided a written statement admitting [redacted] guilt in the case.

[redacted] stated that AUSA [redacted] called [redacted] the next day and asked if [redacted] requested an attorney after the arrest. [redacted] reported that [redacted] also asked [redacted] if [redacted] returned the case over to [redacted] who was the case agent. [redacted] answered "yes" to both questions.

[redacted] advised that [redacted] [redacted] to [redacted] that [redacted] screwed up and shouldn't tell AUSAs what happens in the office. [redacted] reported that [redacted] also told [redacted] that [redacted] did nothing wrong and that [redacted] needed to have a

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MEMORANDUM OF ACTIVITY

Case Number: 2002-0607	Subject of Activity (Brief Description): [REDACTED]	Date of Activity: 07/25/02
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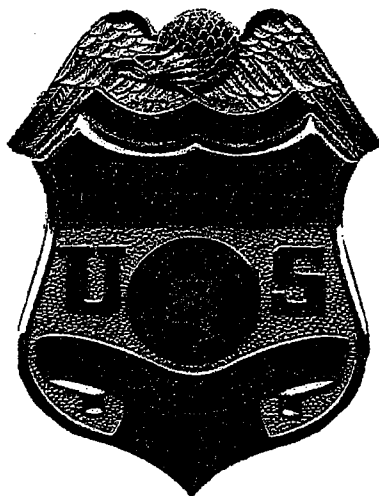
police mentality. [REDACTED] further reported that [REDACTED] told [REDACTED] that [REDACTED] was upset with [REDACTED] for talking to the AUSA and that [REDACTED] was being transferred to a new unit so they could teach [REDACTED] how to do things. [REDACTED] informed the OIG that [REDACTED] never had any direct contact with [REDACTED] concerning the case or [REDACTED] subsequent transfer to a new unit.

[REDACTED] advised that this case occurred two years ago and that the case was not dismissed. [REDACTED] reported that [REDACTED]'s statements were not used in discovery and that [REDACTED] plead guilty to the charges.

Reviewed By (Initials): DB Date: 9/16/02

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REPORT OF INVESTIGATION
2001-0134



Office of Inspector General

United States Department of the Treasury

REPORT OF INVESTIGATION

DATE OF REPORT : DEC 12 2001
CASE NUMBER : 2001-0134
CASE TITLE : Unnamed United States Customs Service
Employees
REPORT STATUS : Final
ALLEGATIONS(S) : 5 CFR Subpart A, 0.205 – Care of documents
and data

SYNOPSIS

On April 11, 2001, the Office of Inspector General (OIG), Office of Investigations (OI), Houston Field Office (HFO), received a referral of information from OIG Headquarters. The referral pertained to information provided by [REDACTED] United States Customs Service (USCS), Washington, D.C. [REDACTED] Judicial Criminal Law and Social Justice Committee, League of United Latin American Citizens, San Antonio, Texas, alleged USCS personnel were shredding documents pertinent to a class action lawsuit against the USCS brought by several Hispanic Special Agents (SA). The documents were allegedly being shredded after the SAs appeared before the Disciplinary Review Board (DRB).

The OIG investigation determined that prior to 2000, USCS Labor Employee Relations (LER) personnel had not been maintaining the alleged documents, referred to as "briefing papers" in the DRB case files. The briefing papers were created by LER to provide background information on USCS employees with matters before the DRB and were routinely discarded once the DRB process was completed. In the Fall of 2000, LER management determined that the briefing papers would be included in the individual employee's DRB case file and maintained for a period of four years.

DISTRIBUTION:

William Keefer
Assistant Commissioner
Office of Internal Affairs
United States Customs Service

CASE AGENT:


[REDACTED]
Special Agent

[REDACTED]

(Signature)

APPROVED:

David B. Smith
Special Agent In Charge
Houston Field Office



(Signature)

REPORT OF INVESTIGATION

DETAILS

On April 11, 2001, The Office of Inspector General (OIG), Office of Investigations (OI), Houston Field Office (HFO), received a referral of information from OIG Headquarters. The referral pertained to information provided by [REDACTED] United States Customs Service (USCS), Washington, D.C. [REDACTED] Judicial Criminal Law and Social Justice Committee, League of United Latin American Citizens, San Antonio, Texas, alleged USCS personnel were shredding documents pertinent to a class action lawsuit against the USCS brought by several Hispanic Special Agents (SA). The documents were allegedly being shredded after the SAs appeared before the Disciplinary Review Board (DRB). (Exhibits 1 and 2)

ALLEGATION #1: [REDACTED] Judicial Criminal Law and Social Justice Committee, League of United Latin American Citizens, alleged that USCS personnel were shredding documents pertinent to a class action lawsuit against the USCS brought by several Hispanic Special Agents (SA). The documents were allegedly being shredded after the SAs appeared before the Disciplinary Review Board (DRB).

On April 18, 2001, [REDACTED] was interviewed by the OIG. [REDACTED] was unable to provide documentation to support [REDACTED] allegation at that time. On May 7, 2001, [REDACTED] provided the OIG a copy of the Merit Systems Protection Board (MSPB) deposition of [REDACTED] Labor and Employee Relations Specialist, Office of Labor and Employee Relations (LER), United States Customs Service (USCS), Washington, D.C., docket number DE-0752-00-0360-I-1, [REDACTED] Appellant, v. Department of the Treasury, Agency, dated September 28, 2000. (Exhibits 2 and 3)

In [REDACTED] deposition, [REDACTED] stated that [REDACTED] prepared, what [REDACTED] referred to as a "briefing paper" to be used to present the [REDACTED] case to the DRB. According to [REDACTED] the briefing paper was a computer-formatted document created by LER personnel and generated specifically for briefing the DRB in disciplinary action cases. Once the DRB process was complete the briefing paper was placed in a bin to be shredded within two to three days by administrative personnel in [REDACTED]'s department. [REDACTED] does not name specific administrative personnel in [REDACTED] department responsible for shredding the briefing papers. [REDACTED] added that there was no written policy regarding the briefing paper once the DRB process had been completed. (Exhibit 3)

On May 25, 2001, [REDACTED] LER, USCS, Washington, D.C., was interviewed by the OIG. [REDACTED] was identified as [REDACTED]'s supervisor. [REDACTED] was questioned regarding [REDACTED] knowledge of the alleged shredding of the briefing paper [REDACTED] refers to in [REDACTED] deposition. [REDACTED] explained that in the Fall of 1999, the briefing paper was developed by LER personnel to provide background information on USCS employees appearing

REPORT OF INVESTIGATION

before the DRB. ██████ said that because the briefing paper was a department-generated form, there was no USCS policy established to determine what to do with the briefing paper after it had been reviewed by the DRB. Customarily, LER personnel would collect the briefing papers from the DRB and discard them to be shredded. The briefing paper was not included in the USCS employees' case file. (Exhibit 4)

█████ said that LER staff recognized that not including the briefing paper as part of the employees' case file was problematic. In the Fall of 2000, LER management made the decision to include the briefing paper in the employees' case file. ██████ stated that from the period of May 1999, when the briefing paper was established, to the Fall of 2000, LER personnel have been able to recover 284 briefing papers associated with the 339 cases brought before the DRB. ██████ added that of the 55 briefing papers that were not recovered, 44 of them were generated by hand before the computer format was developed. Currently, all briefing papers are included in the USCS employees' case file and maintained for a period of four years. (Exhibit 4)

On July 6, 2001, ██████ provided a copy of the ██████ briefing paper to the OIG for review. ██████ stated that a copy of the ██████ "briefing paper" had also been provided to ██████ attorney. (Exhibit 5)

REPORT OF INVESTIGATION

EXHIBITS

<u>Exhibit</u>	<u>Description</u>
1	Referral from USCS, [REDACTED] Washington, D.C.
2	Memorandum of Activity, [REDACTED] dated April 18, 2001.
3	Memorandum of Activity, Record Review, dated May 7, 2001.
4	Memorandum of Activity, [REDACTED] dated May 25, 2001.
5	Memorandum of Activity, Record Review, dated July 7, 2001.