

Federal jury convicts retired DEA agent of conspiracy to defraud the United States and conspiracy to distribute controlled substances

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For Immediate Release

U.S. Attorney's Office, Western District of New York

BUFFALO, N.Y. - U.S. Attorney Trini E. Ross announced today that a federal jury has convicted retired Drug Enforcement Administration Special Agent Joseph Bongiovanni, 60, of Tonawanda, NY, of one count of conspiracy to defraud the United States, one count of conspiracy to distribute a controlled substance, four counts of obstruction of justice, and one count of false statement to law enforcement. The charges carry a maximum penalty of 20 year in prison and a \$250,000 fine.

"The prosecution of law enforcement officers and public officials are the most difficult cases that are undertaken by prosecutors," stated U.S. Attorney Ross. "However, these verdicts show that no one is above the law, not even a federal agent."

FBI Special Agent-in-Charge Matthew Miraglia stated, "Federal agents hold a significant amount of authority and trust to keep American people safe. Therefore, when the FBI learns of allegations including bribery, obstruction of justice, and lying to investigators, a rigorous investigation unfolds. Our investigation, re-enforced by the jury's verdict, found that former DEA agent Joseph Bongiovanni chose greed over integrity. The FBI continues to execute our duties to the highest level of ethical and moral values. We remain steadfast in aggressively investigating and bringing those who misuse their authority to justice."

"I want to commend the HSI special agents, our law enforcement partners, and the U.S. Attorney's Office, for the tremendous work and countless hours expended to achieve a successful outcome in this case," said Erin Keegan, HSI Buffalo Special-Agent-in Charge. "While Bongiovanni's actions undermined and compromised law enforcement efforts throughout the area, his actions are not, in any way, a reflection of the thousands of DEA agents or law enforcement officers who serve this nation and community with honor and integrity."

Assistant U.S. Attorneys Joseph M. Tripi, Nicholas T Cooper, and Casey L. Chalbeck, who are handling the case, stated that between 1998 and February 1, 2019, Bongiovanni served as a Special Agent with the Drug Enforcement Administration. From 2001 until his retirement, he was assigned to the Buffalo Resident Office. Bongiovanni used his position as a DEA special agent to defraud the DEA, an agency that is a part of the Department of Justice and the Executive Branch of the United States government, by violating his oath to the United States Constitution and duty to enforce the drug laws of the United States. As a part of his agreement to defraud the United States in violation of his oath and duty, and as part of his agreement to accept bribes, Bongiovanni protected his friends, associates, and individuals he believed were members or associates of Italian Organized Crime in Buffalo, from investigation, arrest, and prosecution. In particular, Bongiovanni provided Michael Masecchia, a former Buffalo School teacher with connections to Italian Organized Crime, and others involved in the distribution of substantial quantities of marijuana, cocaine, and fentanyl pills, by providing law enforcement sensitive information about the existence of investigations, the identities of informants, and about sensitive law enforcement techniques and tactics. As part of his protection and in furtherance of his conspiracy to defraud the DEA, Bongiovanni opened a case file within the DEA, which he then used to obtain to ensure that other state and local law enforcement agencies, and federal agents, would defer the investigation of the individuals that the defendant was protecting to the defendant. Bongiovanni also used the DEA case file to enter information pertaining to drug traffickers he was protecting into deconfliction databases in order to alert himself if any other members of law enforcement were investigating coconspirators Bongiovanni was protecting.

Relatedly, Bongiovanni was convicted of obstruction of justice and making materially false statements to an agent of the United States for preparing false and fraudulent official DEA memoranda, and making false statements to agents investigating Bongiovanni, to conceal his relationship with Peter Gerace Jr., an individual who was under investigation by the DEA, and others for drug trafficking and related offenses.

Michael Masecchia was previously convicted and sentenced to serve seven years in prison. Peter Gerace Jr. is awaiting trial. The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

The verdict is the result of an investigation by Homeland Security Investigations, under the direction of Special Agent-in-Charge Matthew Scarpino; the Federal Bureau of Investigation, under the direction of Special Agent-in-Charge Matthew Miraglia; and the Department of Justice Office of the Inspector General, under the direction of Special Agent-in-Charge Ryan T. Geach, Northeast Region. The Drug Enforcement

Administration, under the direction of Special Agent-in-Charge Frank A. Tarantino, III, New York Field Division, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, under the direction of Special Agent-in-Charge Bryan Miller, New York Field Division, the Erie County Sheriff's Office, under the direction of Sheriff John Garcia, and the Niagara County Sheriff's Office, under the direction of Sheriff Michael Filicetti also assisted in the investigation.

Sentencing is scheduled for June 9, 2025, before Judge Lawrence J. Vilardo who presided over the trial of the case.

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