CIA's Use of Polygraphy in Personnel Screening

Report to the Director of Central Intelligence
The DCI's Blue Ribbon Panel on the Polygraph
EXECUTIVE SUMMARY

The DCI’s Blue Ribbon Polygraph Panel was commissioned to review the Agency’s use of the polygraph in employee selection and staff reinvestigation. In his charge to the Panel, the DCI asked us to meet with representatives from across the Agency and from other Intelligence Community agencies. We spent a great deal of time comparing CIA’s use of polygraphy to that of [ intentionally redacted ] because those agencies’ employee pools are most similar to CIA’s, and they also use screening polygraphs. We traveled to the [ intentionally redacted ] to see first-hand the basic training all US Government examiners receive. We listened to the stories of some Agency employees, and their counsel from the ACLU, who have had problems clearing the reinvestigation process. We heard from senior Agency officials responsible for security and counterintelligence. We also met with representatives of [ intentionally redacted ]

We agree that CIA has a continuing need for the polygraph, and that CIA’s polygraph program is, overall, headed in the right direction. We were favorably impressed by the corps of examiners, and especially by their perseverance. In general, we believe the Agency owes its counterintelligence and security officers a large debt for their willingness to soldier on, often without thanks. We believe Agency-wide recognition of their critical contributions is both in order and overdue. And we believe the Agency should seek to make their career tracks as desirable and as influential as other careers in the Agency.

We have reached one overarching conclusion: the Agency relies far too heavily on the polygraph. Experts tell us the polygraph is at best only about 86 percent accurate. CIA espouses the “whole person” concept, under which all sources of information about an employee or applicant are considered and weighed, but reality is that the polygraph results carry disproportionate weight. Such over-reliance on a single test frequently has a deleterious impact on individual careers and on the organization’s morale. We propose a number of specific changes designed to address over-reliance. Other changes we discussed range from increasing the focus on management accountability as it pertains to security and CI issues to improving the physical environment in which Agency polygraphers work.

We understand why Agency managers have come to rely so extensively on the polygraph, but we also believe that the cost of the current program is too high.
We strongly recommend that the Agency’s senior managers undertake an ongoing and detailed outreach process for all employees to educate them in the polygraph process and procedures. We believe that the practice of training “security coordinators” in each business area is worth emulating. Humans hate that which they do not understand; therefore, with understanding comes acceptance. Demystifying the polygraph and bringing security to the desk of each employee, we believe, will increase the population’s acceptance of its necessity and its value. In addition, we recommend that all levels of Agency managers be educated in the process and appeal/complaint possibilities.
PURPOSE

In July 1999, DCI George Tenet commissioned a Blue Ribbon Panel of distinguished representatives from government and the private sector to review the Agency's use of the polygraph in employee selection and staff reinvestigation. Addressing the group's inaugural meeting, the DCI noted that the Agency is committed to recruiting and retaining "the best and brightest" workforce, and does not want anything to unfairly hamper achievement of this goal. The Panel was asked to address these questions:

- Whether CIA's use of the polygraph is in accord with federal standards and best practices?
- Is CIA placing undue reliance on polygraph results?
- Does CIA's use of polygraphy maintain the correct balance between the demands of national security and the appropriate treatment of individuals?
- Are there preferable options to the polygraph?

The panel is supported by a staff director and detailees from the

Scope of Work

The panel met biweekly from August 1999 through January 2000, with subcommittee and individual panel members conducting far-reaching research and investigation. Highlights of these activities include:

- Panel members were briefed by senior managers and polygraph professionals.
- Members met with senior Agency executives (DDO, DDA, C/NE, C/CIC, as well as retired senior DO officers).
- The DS&T's primary research specialist briefed the Panel.
- Members also witnessed the quality control process between examiner and team leader.
- One Panel member requested and was administered an EOD polygraph examination.
- Members traveled to the for briefings and interviews.
- Panel members met with representatives of employee affinity groups to obtain their views on how such issues as race, culture and ethnicity relate to the polygraph process.
- We heard briefings on how polygraph results are used in the personnel security adjudication process.
• Members met with senior managers to discuss the referral process and Section 811 of the Foreign Intelligence Authorization Act of 1995.

• Employees, accompanied by ACLU attorney, met with the Panel to discuss process issues based on their personal experiences.

• The Staff Director attended an international conference on interviewing and interrogation hosted by Dr. [renowned academician and author].

• Panel members reviewed scores of significant cases, research and background material; they also reviewed some problematic cases.

Panel Members
Chairman:
INTRODUCTION

The success of the US Intelligence Community rests on three pillars: collection and operations, analysis, and security. While the three pillars are of equal importance, security is perhaps the most difficult to get right. Because of its nature, and because of the lack of discernible results, security is frequently relegated to a back burner. Moreover, in a democracy, security necessarily involves balancing the rights of the individual against the security needs of the nation.

The Intelligence Community must recruit and retain the best and brightest the nation has to offer. It must take risks—sometimes very large risks—to protect our nation. Sometimes those risks are physical, but they can also be intellectual or policy risks. It follows, therefore, that the Community’s security pillar must also consist of the best and the brightest if it is to face successfully its particularly difficult challenges. The security services are in a constant tug of war between individual liberty and national security. But in addition, they must cope with a collective work force that may acknowledge the need for security but does not always honor that need with respect for the process and those who administer it.

We wish to note that some Panel members were inclined to believe, at the outset of our deliberations, that serious consideration should be given to the complete elimination of the polygraph requirement. At the end of our deliberations, no member of the Panel held that view. The evidence is overwhelming that the polygraph, in the hands of a skilled examiner, is a very useful tool to elicit information from an applicant or an employee that might otherwise be obtained only after lengthy and costly investigation—or not at all. At the same time, the Panel is very concerned that the cost of acquiring this information is quite high. This report attempts to identify key problem areas and provide reasonable recommendations and options that will reduce the negative impact of the polygraph, while allowing continued use of the polygraph as a meaningful safeguard for Agency and national security interests.

Although the Panel was not asked to address the broader issues of security and counterintelligence, it is clear to us that management must continue to work to improve CI and security. Polygraphers—the focus of our study—must be included in the IC’s effort to improve working conditions for CI and security officers, but they are only a part. Senior management of the Intelligence Community must ensure that all security and CI officers have a career path that assures them adequate promotion and education opportunities. CI and security professionals must have choice assignments and be competitive with officers from the more glamorous parts of the Community. And they must know that they enjoy the full confidence of management.

The Panel believes the DCI was prudent in asking for a review of the polygraph. In the course of our work, we discovered several areas that need correction, but we reached
one overarching conclusion: the Agency places far too much reliance on the polygraph.

Most of our observations and recommendations are polygraph-specific and address issues such as examiner selection and training. But the Panel believes that the security structure—composed of various disciplines, such as physical, information, and personnel security—must develop a synergy to support these individual specialties. Security officers, for instance, need to be well-versed in personnel security issues and serve as honest brokers for personnel security concerns within the components in which they serve. Even more broadly, the concept that security and CI matters are responsibilities shared by all Agency employees and contractors should be second nature for everyone at the Agency. We believe that the recommendations contained in this report should be widely discussed and adopted.

The Panel reached the following major conclusions:

2. Far too many employees have had difficulty passing a reinvestigation polygraph, when there was little or no corroborating evidence of wrongdoing.

Section 811
Section 811 of the Foreign Intelligence Act of 1995 (codified as Counterintelligence and Security Enhancements Act of 1994, 50 U.S.C. 402a) requires, in part:
...[T]hat each department or Agency within the Executive immediately report to the FBI... receipt of any information, regardless of its origin, which indicates that classified information is being or may have been disclosed in an unauthorized manner to a foreign power or an agent thereof.

4. We believe that the aggressive use of the polygraph has precluded able Americans from working at CIA, and perhaps at other Community agencies. Although the Panel found no specific evidence that the polygraph disadvantaged any particular group of Americans, we remain concerned that the security process—including the polygraph—may in some cases prematurely reject candidates who, upon further investigation, would qualify for employment and be granted a clearance. In still other instances we are concerned that the process may become so distasteful that highly qualified applicants just give up and return to their universities or places of employment with negative feelings about the Agency. This obviously hampers the Agency’s ability to recruit from the best academic institutions, research labs and private industry.

5. The Panel met with many polygraphers and was deeply impressed by their dedication, pride and commitment to their mission. However, much can be done to make CIA’s polygraph corps even better. We make specific training recommendations, including special efforts to educate them in the different cultures and duties found in the Agency. While we reject the notion that a polygrapher must be a scientist, computer expert or case officer to effectively test one, we recognize that lack of knowledge, could cause a polygrapher to regard routine behavior as suspicious. This, in turn, leads CIA officers to disparage the process—and the examiners.
6. CIA polygraph techniques are more aggressive than those of other agencies. CIA polygraphers take understandable pride in the number of admissions of misconduct they elicit, but the Panel is not persuaded that other methods, more in tune with management objectives, could not produce equally satisfactory results without the associated negative costs.

7. The Panel believes that the polygraph examination should not be a hostile interrogation. Panel members also heard complaints that employees felt they were being interrogated and humiliated. We believe CI objectives can be pursued without such an approach. We believe an examiner should never mislead an examinee or engage in conduct that could be seen as aggressive or badgering.

8. Finally, we believe that Agency management must be involved throughout the reinvestigation process, including in issues raised by the polygraph. Too often, management abdicates its responsibility to value the “whole person” concept by over-reliance on the polygraph and by not encouraging further investigative efforts.

The Panel’s overall assessment of the Agency’s polygraph program is positive. The observations and recommendations contained in this report are not intended as criticism of the entire program. Indeed, many of our comments address systemic problems with management’s perception of the polygraph and the resulting over-reliance. While the panel heard of abuses, excesses, or other failures directly attributable to polygraph, we believe that these are the exceptions rather than the norm. Nonetheless, these failures create great controversy and do great harm—to the recruitment effort, employee careers and morale. As such they cannot be ignored. The system will never be perfect, but that must be our goal.

A word must also be said about the resource issue. If the Agency is committed to establishing the Government’s premier personnel security program, resources must be devoted to those officers who fulfill that mission. Although this commitment in resources may be large, it pales in comparison to the costs associated with failures in determining who is suitable to be granted and retain access to extremely sensitive information. Also, the Agency needs to take a leadership role by investing in research of alternate means of detecting deception.

As noted above, the Panel reviewed a large number of cases in recent years in which the polygraph played a key—and sometimes the only—role in discovering very significant information about applicants, contractors and employees. The Panel believes
strongly that the information elicited by the polygraph process in these cases is of very
great value to the Agency and the nation. These cases highlight the invaluable
contribution the polygraph makes to the clearance adjudication process. Our recognition
of the value of the polygraph as a tool to continue to help produce this information is a
theme that permeates the report.
THE POLYGRAPH PROCESS

The polygraph continues to be a controversial investigative technique, both within and outside of CIA. Proponents of the polygraph argue that it is the most effective information-gathering procedure available, while detractors point to its lack of scientifically established validity and say the process is intrusive and violates personal privacy. CIA and other entities in the Intelligence Community use the polygraph for personnel screening.

Background

The polygraph is a multi-channel instrument that measures and records certain physiological characteristics of an individual. Specifically, the polygraph instrument records physiological reactions. These include the respiratory patterns of the upper and lower chest; the galvanic skin response (GSR—changes in skin resistance); and the relative blood volume pressure (changes in the average volume of the systolic/diastolic blood pressure). All of these reactions are traced on a continuously running chart.

The examiner is a critical element in the successful completion of a polygraph examination.
In reaching an opinion, the dynamics of the examiner/examinee relationship play a critical role in the process.
The arguments in favor of screening polygraphs are based on, its utility (most important), its deterrent effect, and the cost effectiveness of the process. Officials throughout the Intelligence Community agree that the polygraph process elicits important information that is often not obtained by other investigative methods.

In February 1994, the Joint Security Commission reported:

*The utility of the polygraph in eliciting important adjudicative information is not in doubt.*

We believe, however, that many, if not most of the Agency population is unaware of the polygraph’s efficacy.

The Panel strongly urges that, consistent with privacy safeguards, the Agency population should receive education regarding the value of the polygraph as it relates to the integrity of the work force and ultimate protection of the Agency’s mission. The Panel believes that if employees are aware of many recent cases, they would be more
supportive of the process, which in turn would improve CI and security in the Agency.

The argument is frequently made that the polygraph process has a deterrent effect. Applicants who believe that the polygraph will elicit disqualifying information may be deterred from applying. Cleared personnel may be deterred from misconduct because they know they will be required to take a polygraph in the future.

Agencies that use the polygraph to screen applicants point to use of the process as an efficient and effective cost-containment tool. Disqualifying admissions made during the polygraph process obviate the need to conduct a time-consuming, resource intense and expensive background investigation.

Further investigation and consideration—should be pursued: Such a process assures that qualified applicants are not rejected out of hand and that the Agency truly applies the "whole person" concept.

**Over-Reliance and The "Whole Person" Concept**

CIA advocates the "whole person" concept, which calls on the adjudicator to look at the data in an applicant's or employee's BI, Financial Disclosure Form (FDF), credit report (CR), results of personal interview (PI) and any other relevant sources to assist in making the clearance decision.

However noble the intent of the "whole person" concept, the Panel remains concerned that over-reliance on the polygraph as an all-purpose vetting tool continues to exist.

The Panel is concerned that over-reliance on the polygraph may have a detrimental effect.
**Over-Reliance—in the Applicant Process**

After the DCI's Recruitment Center makes a conditional offer of staff employment to a promising candidate, the candidate completes the Standard Form SF86. Concurrently, the Recruitment Center schedules the candidate for a full-scope polygraph examination.

For the applicant the polygraph experience constitutes the first security interview and, aside from general instructions and a candor statement, is often the first real contact with CIA beyond initial discussions with a recruiter. As such, it must be one that creates confidence and a sense of professionalism.

A candidate who is disapproved on the basis of security processing has a formal right to appeal that decision.

All adjudicative decisions are based on strict adherence to DCID 6/4 (formerly DCID 1/14). This Directive stipulates adjudicative guidelines for approving security clearances. Additionally, psychologists from the Office of Medical Services (OMS), attorneys from OGC and computer experts from are available to provide guidance to adjudicators.

Management involvement provides a vehicle by which the interested component can be more directly involved in accepting responsibility for CI and security concerns.
We support and encourage the role to involve management constructively at such an early stage of the process.

Over-Reliance—In the Reinvestigations Process

[O] has embarked on several initiatives, fully described below, that have had a positive impact on the number of employees whose reinvestigation processing remains unresolved. The Panel also makes recommendations specifically pertaining to polygraph, which we believe may produce additional substantive improvements. We strongly urge that these options be fully explored.

[O] The over-reliance factor manifests itself in the reinvestigations arena just as it does in the applicant process.

[O] When problems arise there is considerable disparity in the approach taken by Agency managers, who may become aware of difficulties formally—or informally by the employee.

[O] The Panel believes that Agency managers should be better prepared to deal with the concerns expressed by employees who have difficulty in the reinvestigation process. Courses for managers should be developed to ensure they understand the Agency’s polygraph process and do not speak only from personal experience or bias. Managers should be taught how to help counsel employees and should know where to turn for additional assistance.

[O] Managers therefore have an important responsibility to support and counsel the employee without undermining the organizational processes established to resolve the area(s) of concern.

[O] Regardless of the process, the panel strongly believes that management must be more directly involved in accepting responsibility for CI and security concerns for all employees. Management must become accountable.
The Panel notes that applicants are told they must be totally candid. A similar statement, issued by the Agency’s most senior management team, might also send the appropriate signal to all employees.

The Panel believes that the polygraph is a tool, and it must be accompanied by other investigative methods.

We recommend expanded use of specialized interviews, financial investigations, operational reviews, and in some cases OMS intervention, to address problem cases.
In sum, the over-reliance problem is deep-seated in the Agency. The Agency must articulate the primary goals of the polygraph program and support those goals by word and practice. In turn, must strive for absolute professionalism in the examiner cadre and strictly adhere to Agency polygraph policy. Finally, the system needs to identify, recruit and retain the necessary investigative resources to bring cases to resolution through alternate means.

We recognize that this requires resource commitment, but failure to apply adequate resources will result in a greater and more painful price in the long run.

The Panel recommends that develop a more espionage-focused polygraph examination, to be used with a comprehensive security interview conducted by the adjudicator. The polygraph examination would then focus only on the issues most important to the Agency.
POLYGRAPH EXAMINERS

Prerequisites, Selection, Basic Training

The Panel believes that one of the most critical, if not the most critical element to ensure a professional, well-respected polygraph program is to identify and select the best possible candidates as polygraphers. Polygraphy is a behavioral science; managing the dynamics of human interaction in a stressful interview situation is the foundation of its success.

The Panel recommends that identify critical examiner attributes/qualities and coordinate with the Office of Medical Services to identify selection tools for the examiner hiring process.

Furthermore, in addition to meeting all other requirements for Agency employment, examiner applicants should be at least 25 years of age and hold an earned baccalaureate degree from an accredited four-year college.

The Panel strongly believes that basic interview, communication and elicitation skills can best be developed through experience as an investigator. The more experience and opportunity to hone these skills, the greater the likelihood of developing an accomplished interviewer. We heard compelling testimony—that prior investigative experience should be a prerequisite for entering the polygraph profession.

After hearing from senior Agency officials, the Panel believes that the Agency's polygraph program must take steps to ensure that those entering the profession have proven investigative skills and appropriate level of investigative experience.
The Panel believes that executive-level Agency managers should reinforce through the assignments, education and promotion processes that security/CI professionals are equal partners with DO, DI, and DS&T counterparts. Within the training, career development, education, and reward systems should be reviewed.

CIA examiners must have highly developed information elicitation and interpersonal skills.

The very nature of the process suggests that there will always be differences of perception regarding the tone and manner in which interviews are conducted. Nevertheless, it is critical to ensure that Agency examiners have the best training possible.

In the Panel's opinion, the continuing education of examiners must include an array of courses that focus on techniques. Then, through a variety of courses, examiners should participate in skills-building courses.

Once polygraphers have completed their basic training, the Panel believes in concert with other appropriate Agency components, should develop familiarization programs for examiners.

should formalize a system to identify those examiners who represent the best the has to offer and develop a meaningful incentive/retention package.

Security/CI officers with demonstrated talent should be considered for senior positions across Directorate lines.
Ames, the FBI, and Process Changes

The arrest of Aldrich Ames on 21 February 1994 had a profound impact on counterintelligence in the Agency and throughout the IC. Two significant changes directly attributable to the Ames betrayal. On 1 May 1998, I began a number of initiatives to improve the process by which referrals are made. Experienced examiners were matched with employees who had overseas experience, and the MOU was amended to allow to conduct more investigation. Also began planning a risk-managed reinvestigation program, based on an individual's access rather than on employment status. This program also provides for random BIs and polygraphs. Security and CI professionals believe, and the Panel concurs, that the risk-managed reinvestigation program enhances the Agency's security/CI posture. We believe that these data reflect positively on the plan to address unresolved CI issues, while balancing mission requirements and concern for the workforce.
TEST TECHNIQUES AND
PROGRAMMATIC DIFFERENCES

The importance of obtaining information from examinees is fundamental to the Agency's program, and elicitation of information is the hallmark of the program.

An employee who has not engaged in wrongdoing may still have legitimate concerns about the questions. These legitimate concerns are based on an individual's unique experience and may be caused by knowing someone who has engaged in the behavior under question; or the employee may have committed a lesser violation that does not meet the threshold of the behavior of interest but nevertheless causes a reaction. Without further discussion, the polygrapher has no way of determining whether the reaction is caused by these or similar experiences that occurred in the Agency environment, or whether the person has engaged in serious wrongdoing. Therefore, consistent with the doctrine that the Agency does not use the polygraph as a "lie detector," the polygrapher is obligated to engage the employee in discussion to gather information that may account for the polygraph reaction(s).
It should be noted, however, that throughout the sequence of events described above, the polygrapher believes that s/he is fulfilling an important responsibility to protect Agency and national security interests and is performing the mission for which s/he was trained.
Finally, should specific information be developed that suggests a CI security or suitability problem, still has the authority to conduct Polygraphs or engage in other investigative activity as appropriate.

Fundamental to this discussion remains the point that there is no tool available, including polygraph, that will categorically separate truth from deception. The polygraph process, especially in the screening world, relies heavily on the interpersonal and elicitation skills of the examiner. Agency executives need to articulate the direction of the polygraph program.
We speculate that some percentage of the higher Agency numbers is attributable to the unique mission and responsibilities of Agency officers.

We note that, as a post-Ames improvement to the CI posture of the Agency, we have codified procedures to review, on a regular basis, the Memorandum of Understanding that establishes the threshold for case referrals from __________.

The Panel applauds the many successful joint efforts conducted by the Agency. However, much more must be done.

The Need for Outreach—
Dispel the Myths and Educate
The success of the Agency's polygraph program in protecting the integrity of the workforce, and by extension national security initiatives, should receive broader dissemination within the Agency. The Panel is mindful of privacy issues and the need to maintain an evenhanded system that does not suggest a "witch hunting" environment. Nevertheless, to the extent possible, the Agency population should be made aware of the continual stream of egregious, disqualifying behavior developed in the polygraph process; and understand that, had it not been for the polygraph, those individuals would likely have been hired.

Panel members discussed at length alternatives to improve the perception of polygraph and instill greater confidence in the personnel security process by education and de-mystification of security vetting. While acknowledging the efforts currently made to explain procedures to applicants and employees alike, the Panel believes that more should be done in this area.
Participants should understand the complaint and review process that provides responsible checks and balances.
The Agency should support appropriate and periodic education of the workforce relative to the polygraph's role in protecting Agency and national security interests.

Management Responsibility and Accountability

The Panel found wide disparity among Agency managers' approach to polygraph issues—and in how they communicate their views to subordinates undergoing polygraph processing.
We suggest that develop a polygraph training module for managers. Such a module should be mandatory for new managers and included in their earliest training. The content should ensure that new managers understand the role of the polygraph within the Agency, and provide guidance about how to counsel employees who are experiencing difficulties in the polygraph process. A specialized course for senior managers should also be developed.
The Need for Continued Research

The Panel devoted considerable attention to improved technology in the business of deception detection. Development of a computerized algorithm to assist in scoring polygraph charts would be an improvement and would eliminate perceived subjectivity.

The IC overall, and the Agency specifically, has a continuing need to identify scientifically reliable and valid techniques to distinguish truth from deception. The Panel understands that an entity in the DS&T/OTS is conducting research in this area, but funding is very limited.

Accordingly, the Panel recommends that appropriate stakeholders, to include [this portion is redacted], establish a dialogue to identify trends and advancements in neuroscience that are applicable to the overarching issue of deception detection. The most promising research should be identified, and specific funding recommendations should be presented. The Panel believes that this is a true IC issue and, provided the research demonstrates reasonable potential to achieve its goal, the project should be championed as a DCI initiative.