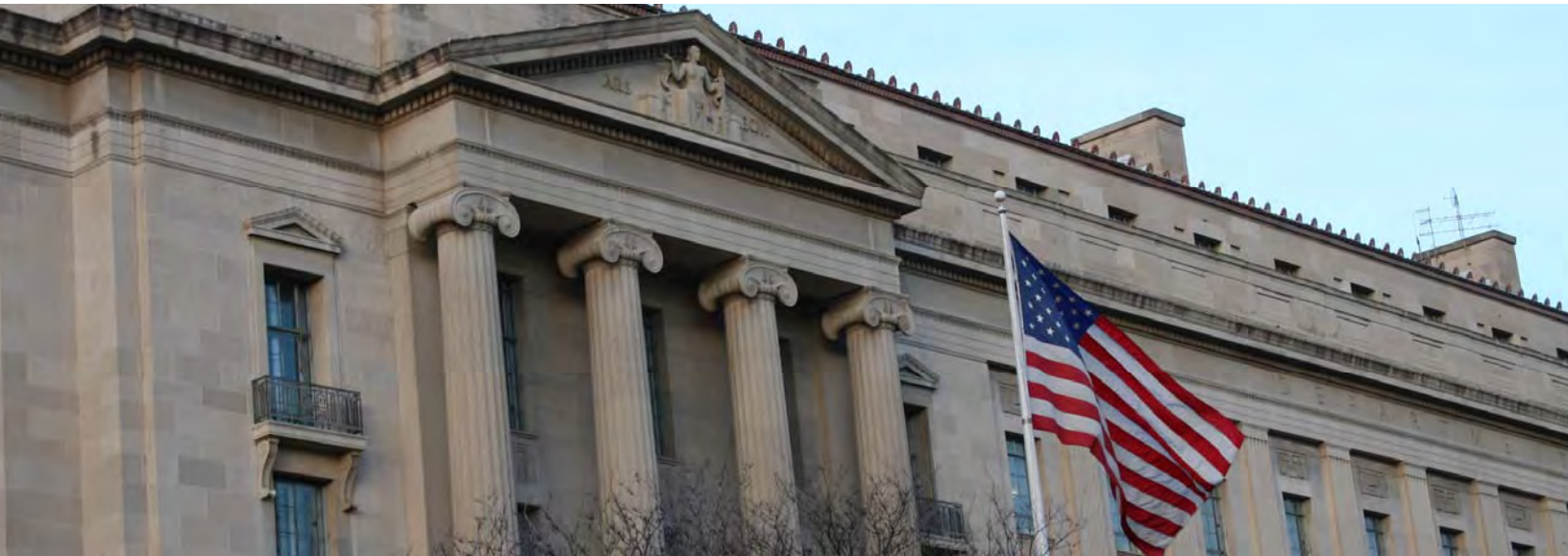




Office of the Inspector General U.S. Department of Justice

OVERSIGHT ★ INTEGRITY ★ GUIDANCE



Public Summary: Review of the Federal Bureau of Investigation's Response to Unresolved Results in Polygraph Examinations



Public Summary

Review of the Federal Bureau of Investigation's Response to Unresolved Results in Polygraph Examinations

Introduction

The Federal Bureau of Investigation (FBI) has a vital mission — to protect and defend the United States against terrorist and foreign intelligence threats and to respond to criminal threats facing the country. This mission demands that the FBI be vigilant in its stewardship of sensitive information, systems, and spaces. The FBI uses polygraph examinations as one of many tools to assess whether job applicants and employees pose a national security risk or are unsuitable for FBI employment. In the aftermath of the 2001 arrest of former FBI agent Robert Hanssen, whose espionage was described as “possibly the worst intelligence disaster in U.S. history,” the FBI implemented its Personnel Security Polygraph program. Among other things, the program requires FBI employees with access to sensitive national security information, systems, or FBI spaces where such information and systems are present to pass a polygraph examination within a specified period. The FBI conducts thousands of pre-employment and personnel security polygraph examinations every year.

The Office of the Inspector General (OIG) initiated this review following a letter from Senator Charles Grassley, Chairman of the Senate Committee on the Judiciary, expressing concern about several aspects of the FBI's polygraph program. We analyzed FBI processes for handling alleged deception or countermeasures in FBI applicant and employee polygraph examinations for fiscal years 2014 through 2016. We evaluated the FBI's process for adjudicating unresolved results, which we define as any polygraph examination results requiring additional action to resolve discrepancies or security concerns. This process includes any subsequent adverse personnel actions in cases for which the FBI determined that an employee had used countermeasures or in which deception was indicated.

To help us assess the FBI's polygraph program, we interviewed FBI personnel, personnel from other U.S. Department of Justice components, federal agencies, and members of the U.S. Intelligence Community and conducted an in-depth review of a sample of 90 case files of investigations and adjudications of unresolved polygraph results for 12 FBI job applicants and 78 FBI employees. We did not assess the FBI's technical execution of polygraph examinations or its use of polygraph examinations for non-personnel security purposes such as criminal investigations.

Results in Brief

Our review found that the FBI's process for investigating and adjudicating unresolved applicant and employee polygraph results may lead to security and operational vulnerabilities. As discussed below, we identified four primary issues: (1) investigations and adjudications of unresolved polygraph results were often lengthy; (2) the FBI did not always adhere to its policy restricting access to sensitive information for employees whose unresolved polygraph results were under investigation; (3) investigations of unresolved results did not always draw on all sources of FBI information; and (4) the FBI does not fully document or centralize its recordkeeping of polygraph case information.

First, we found that the FBI's process for investigating and adjudicating unresolved polygraph results varied greatly across the cases we examined. We determined that the time between initiating an investigation and making a security clearance decision was often lengthy, taking an average of nearly 1 year (357 days). We analyzed the timeliness of 53 of the 78 employee cases in our sample and found that the 53 investigations took between 9 to 940 days to complete and that the corresponding adjudicative decision process took between 1 and 613 days. Because FBI employees generally continued to retain access to sensitive information, systems, and spaces while an investigation and adjudication were pending, the length of time to complete the process can expose the FBI to security risks.

Second, we found that the FBI did not always comply with its own policy governing employee access to Sensitive Compartmented Information, classified national intelligence information concerning or derived from sensitive intelligence sources, methods, or analytical processes, which is to be handled exclusively within formal access control systems established by the Director of National Intelligence. The FBI's policy generally prohibits access to Sensitive Compartmented Information for FBI employees who have not passed a polygraph examination within a specified period. We identified instances in which employees unable to pass multiple polygraph examinations were allowed to retain access to sensitive information, systems, and spaces for extended periods of time without required risk assessments — potentially posing a security risk to the FBI.



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Third, we found that investigations of unresolved polygraph results did not always draw on all sources of FBI information. We identified communication issues between the FBI's Analysis and Investigations Unit (AIU), which investigates and makes adjudicative recommendations on employee polygraph results, and other FBI personnel security stakeholders. We also had concerns about the AIU's thoroughness in leveraging all relevant FBI information during its investigations. These issues prevent the AIU from consistently producing thorough and efficient investigations.

This lack of communication also resulted in failures to report alleged misconduct to appropriate FBI officials and to the OIG, as FBI and Department of Justice policy require. We identified instances in which polygraph examinations and investigations identified alleged misconduct — involving misuse of information technology systems or failure to report foreign contacts — that was not reported to the FBI's Inspection Division. Because of the seriousness of these concerns and the need to address them promptly, on September 25, 2017, the OIG issued a Management Advisory Memorandum to the FBI, directing it to advise us within 30 days of the actions it had taken or planned to take regarding these concerns.

Finally, we found that the FBI does not fully document or centralize its recordkeeping of polygraph case information. FBI polygraph examination reports did not always contain specific information to explain the assigned result. The resulting lack of awareness of all

relevant information from prior examinations may hinder staff responsible for security clearance determinations from reaching fully informed decisions and may hinder the FBI in identifying potential threats and vulnerabilities. Additionally, we found that the FBI does not have a centralized recordkeeping system to efficiently track polygraph case information developed to assess FBI employees' eligibility to maintain security clearances. Because the FBI does not fully document or centralize its recordkeeping of polygraph case information, relevant information may not be readily available to FBI personnel to use in identifying trends and patterns related to potential security risks.

Conversely to the issues we identified above, in our sample of 12 applicant cases, we found that the FBI did follow its policy of not offering employment to applicants whose initial polygraph or retest examination results were unresolved.

Recommendations

Our report, which is classified, makes eight recommendations for the FBI to improve the timeliness, consistency, and thoroughness of investigations and adjudications of unresolved polygraph results; to improve the identification and handling of derogatory information developed during polygraph examinations and AIU investigations; and to improve the documentation, tracking, and recordkeeping of unresolved polygraph results.



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