

**QUALITY ASSURANCE PROGRAM  
INSPECTION REPORT**

**U.S. Customs and Border Protection**

**REPORT SUBMITTED TO**

**Mr. James F. Tomsheck  
Assistant Commissioner  
Office of Internal Affairs  
U.S. Customs and Border Protection**

**Mr. John R. Schwartz  
Director, Credibility Assessment Division  
Office of Internal Affairs  
U.S. Customs and Border Protection**



**DATES OF INSPECTION  
March 19-21, 2013**

**QAP INSPECTION TEAM  
Billy C. Davenport, Team Leader  
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**DATE OF REPORT  
March 26, 2013**

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## INTRODUCTION

The inspection of the Psychophysiological Detection of Deception (PDD)/polygraph program of the U.S. Customs and Border Protection, Office of Internal Affairs, Credibility Assessment Division (CAD), was completed based upon their voluntary participation with the Department of Defense (DoD) Quality Assurance Program (QAP). The quality assurance inspection process is authorized by DoD Directive 5210.48, "Polygraph Credibility Assessment Program," dated January 25, 2007. The purpose of the inspection was to determine if CAD was in compliance with their established policies and procedures and if the program met the standards established for a polygraph program within the federal government.

This inspection was completed by the QAP, National Center for Credibility Assessment (NCCA), and consisted of three elements. First, a pre-briefing was completed in which regulations, policies, and polygraph statistics were requested for review and the areas to be inspected were determined. Second, during the three-day on-site inspection, interviews of polygraph personnel were conducted pertaining to implementation of quality control (QC), conduct of examinations, and training procedures. Third, a review of 121 polygraph examinations was completed to determine if the QC procedures were thorough and objective and if the examinations were conducted in accordance with the federal polygraph standards as detailed in the Federal PDD Examiner Handbook (Handbook), dated December 7, 2011.

## SUMMARY OF REVIEW

A total of 118 criteria in nine primary areas were reviewed as part of this inspection; no recommendations requiring a written response were made. CAD met the standards required of a federal polygraph program. The QC procedures ensured an independent and objective review of all examinations including test data, reports, and allied documents. The Director, NCCA, will provide a letter indicating conformity with federal polygraph standards along with the inspection report.

## POLYGRAPH PROGRAM OVERVIEW

Mission/Polygraph Utilization: The mission of CAD is to provide polygraph support for the CBP law enforcement mission, pre-employment applicant, and counterintelligence screening examinations. CAD also supports other federal, state, and local law enforcement agencies when requested.

Organization and Management: CAD consists of 71 special agent/field polygraph examiners assigned to 24 field sites throughout the continental U.S. Two additional field examiners also are assigned QC responsibilities. The headquarters element consists of the Director, Deputy Director, and five Assistant Special Agents in Charge (ASAIC) positions. Three of the ASAICs have QC review duties as a primary responsibility. The Director and one ASAIC position are located in Houston, TX. The remaining ASAIC positions are located in Washington, DC; Dallas, TX; San Francisco, CA; and Detroit, MI.

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Grade Structure and Experience Level: The CAD Director and Deputy Director positions are GS-1801-15s and five ASAIC positions are GS-1801-14s. There are nine designated QC personnel, which are GS-1801-14 positions. Of the 53 certified field examiners, 28 are GS-1801-14 positions, 21 are GS-1801-13 positions, and four are GS-1801-12 positions. Two of the CAD examiner positions are currently occupied by two students attending initial polygraph examiner training at NCCA. Supervisory personnel have an average of 22 years investigative experience and 19 years polygraph experience. Field examiners have an average of 17 years investigative experience and 14 years polygraph experience.

## **OBSERVATIONS AND RECOMMENDATIONS**

The following observations were made based on the QAP Inspection Manual Standards and Criteria, dated May 1, 1999; the Handbook; and CAD current policies and procedures.

### **1. Polygraph Policies (14 Criteria)**

Standard: PDD programs should establish policies and procedures consistent with their agency's mission and the Handbook.

Observation: CAD maintains policies in compliance with federal polygraph standards.

### **2. QC Program Management and Procedures (26 Criteria)**

Standard: PDD programs should establish their own QC program, or obtain cooperation with another federal agency that has an adequate, existing QC program. Agencies should develop policies and standard operating procedures for the conduct of a QC program. These procedures should include: independent and objective review that is free of undue influence, 100% review of examinations, and review of related documents. Personnel assigned responsibilities for management and QC should have sufficient experience and technical authority over PDD examiners. QC personnel should possess a grade level commensurate with their authority and responsibility.

Observation: CAD has an established QC process that includes an independent and objective review of all examinations conducted that is free of undue influence of the original examiner and other sources. Refer to Appendix A for a full description of the CAD QC process.

Criterion 2.2.11: Are technical comments provided to the examiner?

Observation: CAD QC personnel frequently provided well-documented and thorough technical comments to field examiners. These QC comments not only provide an important record of technical issues noted during the QC process, but ensure examiners are provided feedback, technical guidance, and remedies to reduce reoccurring errors. The technical guidance and mentoring provided by QC personnel were viewed as a strength of CAD.

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Criterion 2.2.12: Are technical comments maintained?

Observation: CAD field examiners routinely provided detailed and thorough examiner technical comments, resulting in well-documented polygraph reports. Federal agencies rely on complete and accurate documentation to provide managers, adjudicators, and legal advisors an accurate description of each polygraph examination and the final decision process. The retention and quality of the examiner technical comments were viewed as a strength of CAD.

### **3. Polygraph Program Statistics (13 Criteria)**

Standard: PDD programs should maintain statistical reports that provide insight into PDD activities.

Observation: CAD collects and maintains polygraph statistics utilizing the Security Management Assessment Risk Tool (SMART) computer database in accordance with agency policy and is in compliance with federal polygraph standards. During fiscal year (FY) 2012, CAD examiners conducted 4,998 polygraph examinations, an average of 124 examinations per examiner. A statistical breakdown of the polygraph examinations conducted during FY 2012 is provided in Appendix B.

Observation: As noted in Appendix B, CAD achieved a 68.18% admission/confession rate for pre-employment applicant examinations. Field examiners consistently devoted substantial time and effort to each polygraph examination resulting in the collection of information to aid in the adjudicative process. Also, both QC personnel and field examiners routinely employed practices that successfully identified applicants who attempted to manipulate polygraph data. The volume of information collected by examiners, coupled with an emphasis on polygraph countermeasures detection was viewed as a strength of CAD.

### **4. Implementation of Polygraph Procedures (33 Criteria)**

Standard: PDD procedures should be routinely and consistently applied in accordance with established standards.

Criterion 4.1.7: Do examiners follow agency procedures for the use of agency specified testing formats?

Observation: CAD examiners routinely employ the Air Force Modified General Question Test (AFMGQT) protocol in the conduct of specific issue polygraph examinations. However, several CAD field examiners placed the primary relevant question as the first relevant question on the first chart collected. The AFMGQT protocol consists of Version 1 and 2, and both versions require the primary relevant question be presented as the second relevant question on the first chart for each series. This observation was briefed to the Director, CAD, who issued guidance advising field examiners adhere to current federal polygraph procedures and NCCA curriculum for the AFMGQT protocol (refer to Appendix C).

## **5. Approval Procedures (6 Criteria)**

Standard: Approval authority within individual programs should be established for all PDD examinations. If individuals with approval authority are not examiners, they should have access to and solicit advice from an examiner who has technical expertise. Approval authority should be as centralized as possible.

Observation: CAD has identified its approval authority in writing and its procedures are in compliance with federal polygraph standards.

## **6. Selection Criteria and Certification (12 Criteria)**

Standard: Candidates selected for the position of PDD examiner shall meet the following minimum requirements: be a US citizen at least 25 years of age; have graduated from an accredited 4-year college; have 2 years' experience as an investigator with a recognized US government or other law enforcement agency; be of high moral character and sound emotional temperament based on a background investigation; and be judged suitable for the position after taking a PDD examination.

Observation: CAD has selection criteria and certification processes in compliance with federal polygraph standards.

## **7. Polygraph Continuing Education Program (7 Criteria)**

Standard: PDD programs should maintain or have access to records regarding the education and training of examiners. After 1 January 1996, all initial education should be completed at NCCA or its equivalent. QC personnel should have input regarding recommended training. The program manager should be responsible for ensuring appropriate training is accomplished.

Observation: CAD maintains appropriate continuing education records and examiners are in compliance with the Federal Polygraph Continuing Education Certification Program.

## **8. Technology (5 Criteria - Optional)**

Standard: Operating procedures should encourage the use of computerized technology in the conduct of PDD examinations. The technology should facilitate the collection of appropriate statistics in support of the agency's needs.

Observation: CAD uses the Lafayette computerized polygraph system to fully support the agency's mission.

**9. Customer Relations (2 Criteria)**

Standard: All agencies should have a system established for customer feedback.

Observation: CAD is responsive to its customers.

**10. Previous QAP Inspection**

The previous CAD inspection was conducted in March 2011. No recommendations requiring a response were noted during that inspection.

## **APPENDIX A**

### **U.S. Customs and Border Protection Office of Internal Affairs, Credibility Assessment Division (CAD) Quality Control (QC) Procedures**

There are nine full time QC personnel assigned to CAD, with two additional field examiners who perform QC duties on an as needed basis. The QC personnel are located in Houston, TX; Dallas, TX; McAllen, TX; El Paso, TX; Seattle, WA; Tucson AZ; and Washington, DC. Also, CAD supervisors who have had previous QC experience and training are authorized to perform QC duties.

Subsequent to the completion of a polygraph examination, the polygraph examiner inputs the examination, to include the test data, question lists, and allied documents into the Security Management Assessment Risk Tool (SMART) database. Once the examination is entered into the SMART database, a QC examiner will verify the information and initiate QC procedures.

The QC initially conducts an objective review (blind test data analysis [TDA]) of the examination. Upon completing the TDA, the QC reviews the entire examination for technical sufficiency to include a review of portions of the audio recordings. QC comments and administrative corrections are recorded in the SMART database and QC score sheets are attached to the examination SMART assessment file. If the initial QC review concurs with the decision of the field examiner, an email message is generated and sent to the examiner indicating QC has been completed.

When the initial QC reviewer disagrees with the decision of the field examiner, the polygraph charts are provided to another QC reviewer. If the second QC reviewer concurs with the field examiner, the examination is considered complete. If the second QC reviewer does not concur with the field examiner, the examination is returned to the examiner of record for appropriate action. When QC personnel conduct an examination, the aforementioned protocol is followed.

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## APPENDIX B

### U.S. Customs and Border Protection Office of Internal Affairs, Credibility Assessment Division (CAD) Fiscal Year 2012 Polygraph Program Statistics

During fiscal year (FY) 2012, CAD examiners conducted 4,998 polygraph examinations. A statistical breakdown of the polygraph examinations conducted during FY 2012 is provided below:

<u>Pre-Employment Applicant</u>	<u>Exams</u>	<u>Percentage</u>
(4,912)		
No Significant Response	1,573	32.02
Significant Response	2,071	42.16
Inconclusive	915	18.63
No Opinion	55	1.12
No Opinion (Countermeasures)	298	6.07
<b>Total</b>	<b>4,912</b>	
Admission/Confession Rate	68.18%	
<u>Counterintelligence Screening</u>	<u>Exams</u>	<u>Percentage</u>
(66)		
No Significant Response	56	84.85
Significant Response	4	6.06
Inconclusive	3	4.55
No Opinion	2	3.03
No Opinion (Countermeasures)	1	1.51
<b>Total</b>	<b>66</b>	
Admission/Confession Rate	50.00%	
<u>Criminal Specific Issue</u>	<u>Exams</u>	<u>Percentage</u>
(20)		
No Deception Indicated	9	45.00
Deception Indicated	9	45.00
Inconclusive	1	5.00
No Opinion	1	5.00
<b>Total</b>	<b>20</b>	
Admission/Confession Rate	33.33%	

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## APPENDIX C

### U.S. Customs and Border Protection Office of Internal Affairs Credibility Assessment Division (CBP-IA-CAD)

Electronic Mail Guidance to CBP-IA-CAD Quality Control Personnel and Field Examiners

CAD-ALL,

We are currently undergoing our biennial Quality Assurance Program inspection from NCCA. The inspectors have noticed a technical procedural issue with several of the specific issue examinations we conducted using the AF/MGQT format. I want to address this issue on the spot with this email to ensure we come into strict compliance with the Federal PDD Handbook and NCCA guidance.

Simply put, on some of our AF/MGQT specific issue examinations, we put the primary relevant question in the first relevant position (on the first chart), instead of the second relevant position as required. Our Quality Control reviewers have not corrected or commented on this procedural error. Henceforth, I want each of you to pay particular attention when constructing an AF/MGQT specific issue test, and ensure that the primary relevant question is placed in the second relevant position on the first chart.

This issue does not invalidate any of the examinations you conducted, but I want to ensure that CAD is precisely correct in format structure for each of the various types of formats we conduct. I also recognize the many probable reasons this has occurred, including the vast majority of our examinations are screening tests using the LEPET format, and many of our specific issue exams use the ZCT or You-Phase formats, both of which place the primary relevant question in the first relevant position. Deputy Director Phillips and I will confer with ASAIC Stevens and Bill Gary for technical expertise, and develop a strategy to ensure this is not a recurring issue.

Thanks,

John R. Schwartz  
Director, Credibility Assessment Division  
Office of Internal Affairs

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