

**Office of the Under Secretary of Defense  
for Intelligence**

**Department of Defense Polygraph  
Program Process and Compliance Study**

**Study Report**

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December 19, 2011  
Contract: HQ0034-07-A-1040-0016

## Acknowledgements

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The Study Team expresses its sincere appreciation to the executives, supervisors, and staff of the National Center for Credibility Assessment, the nine Department of Defense (DoD) Polygraph Programs, the eleven DoD Consolidated Adjudication Facilities, the Office of the National Counterintelligence Executive (Special Security Directorate), the DoD Personnel Security Research Center, the DoD Center for the Development for Security Excellence, the Defense Counterintelligence and Human Intelligence Center, and the many other subject-matter experts for their thoughtful support to this study. Special thanks go to those individuals who participated in the comprehensive interviews and those providing detailed responses to the Study Team's many questions. We encountered, without exception, a group of dedicated individuals who recognized an opportunity for improving the system in which they work.

Additionally, we received outstanding support and guidance from the Office of the Under Secretary of Defense for Intelligence (OUSDI), Counterintelligence and Security Directorates, in particular Michael Porco and Janice Condo. Both made themselves continuously available to provide technical assistance regarding DoD policies and procedures.

## Executive Summary

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### KEY BOTTOM LINES UP FRONT:

- All nine DoD polygraph programs are in full compliance with DoD polygraph policy requirements, with only two procedural exceptions involving two separate programs conducting a limited number of Expanded Scope Screening (ESS) examinations without properly acquiring USD(I) approval.
- All eleven DoD Central Adjudication Facilities (CAFs) are in full compliance with DoD policies and restrictions regarding the use of polygraph results. DoD Adjudicators would benefit from training in polygraph capabilities and limitations.
- Interviews and historical file reviews at DoD CAFs and components determined no instances of adverse administrative actions or adverse personnel actions being taken against DoD-affiliated personnel whom either refused to take or failed to successfully complete a polygraph examination.
- We are aware of only one situation, which occurred outside the scope of this study, where adverse personnel action was taken against a DoD employee who did not successfully complete the polygraph. The employee's subsequent appeal was granted by the Secretary of Defense. Our assessment is that DoD polygraph policies afford adequate guidance that clearly prohibits such actions.

### BACKGROUND

The Principal Deputy, Under Secretary of Defense for Intelligence (PDUSD(I)) commissioned this study in June 2011 to assess the practices, methodologies and compliance with existing policies of the nine Department of Defense (DoD) Polygraph Programs and to assess the DoD component's use of polygraph examination results, with particular emphasis on determining compliance with DoD Instruction (DoDI) 5210.91, "Polygraph and Credibility Assessment (PCA) Procedures." The Study Team was requested to provide observations, as well as actionable recommendations that can improve the system. The scope of the study covered polygraph examinations conducted during the period May 01, 2010 to April 30, 2011.

During the polygraph policy and process review phase we conducted site visits to each of the nine DoD Polygraph Programs. Statistical data was collected at each location which determined 43,434 polygraph examinations were administered by DoD polygraph organizations during the scope period (see Appendix F, Figures 1 and 2). An analysis of

the data determined:

- 41,057 examinations were for personal security screening (PSS) purposes (i.e. pre-employment, initial, access, aperiodic), which represents 94.52% of the total polygraphs administered during the scope period.
- 1,537 examinations were conducted in support of a criminal investigation, which represents 3.54% of the total polygraphs administered during the scope period.
- 840 examinations were conducted in support of a counterintelligence investigation, offensive counterintelligence operations, or asset vetting/validation, which represents 1.93% of the total polygraphs administered during the scope period.

We also collected raw demographic data regarding the number and experience level of the DoD polygraph examiner community. DoD Polygraph Program Managers have an average of 17 years of polygraph experience, with Quality Control personnel having an average of 13 years of experience and line examiners with an average of over 7 years (see Appendix F, Figure 3). Polygraph case files were randomly selected and reviewed at each agency to assess compliance with DoD policy, as well as determine how the results were utilized in the decision-making process, with special attention given to the handling of examinees who did not successfully complete PSS examinations.

During the adjudication policy and process review phase, the Study Team conducted site visits to each of the eleven DoD Central Adjudication Facilities (CAF) and interviewed the CAF Directors and/or designated adjudication officials as well as reviewed the agency's internal policies and standard operating procedures governing the use of polygraph results. We also randomly selected and reviewed individual adjudication files to determine how polygraph results were utilized in adjudicative decisions, again with special attention afforded to those examinees not successfully completing the polygraph examination.

In total, we conducted 64 interviews of individuals assigned to 24 various organizations during the active phase of the study, receiving outstanding cooperation and support (Appendix A).

## **OBSERVATIONS AND RECOMMENDATIONS**

It is the overall assessment of the Study Team that the DoD Polygraph Program is extremely impressive in all aspects, starting with an excellent initial training and continuing education provider at the National Center for Credibility Assessment (NCCA), compliance with governing policy and national technical and quality assurance standards, an experienced polygraph examiner workforce, and strong oversight at the Component and OSD levels. The polygraph has and continues to be a valuable tool in supporting and advancing DoD personnel security and counterintelligence matters, criminal investigation resolution, and mitigating the insider threat. Literally every DoD

polygraph and adjudicative agency visited during this study described specific case examples where information derived from the polygraph process was the key factor in identifying and resolving significant issues. That said, we did identify several potential policy and training opportunities, and present recommendations that, if implemented, will strengthen the polygraph and adjudication system.

Section III of this report provides an in-depth analysis of the major observations and recommendations made by the Study Team. The following provides a summary of the observations and recommendations:

**OBSERVATION #1:** The vast majority of PSS examinations administered during the scope period ended successfully, with approximately 94% resulting in a final opinion of No Significant Response (NSR), and although the precise data does not exist in the DoD Polygraph Programs databases, it is our analysis that a very small percentage of Significant Response (SR)/No Opinion (NO) exams end without admissions made by the subject. It is this small percentage of circumstances, and in particular those situations when the subject is already in access and there is no other issue specific or derogatory information available to the adjudicator, that present the DoD Component with the challenge of attempting to clear-up the subject's unresolved polygraph while at the same time employing sound risk management.

DoDI 5210.91, Enclosure 4 provides guidance regarding steps the DoD Component may take in those cases where the individual fails to resolve a PSS, including additional polygraph testing, referral for a counterintelligence (CI) investigation, and/or temporary suspension of access and denial of the individual assignment or detail that is contingent upon such access. Enclosure 4 clearly states that temporary suspension of access may not be part of any basis for an adverse administrative or personnel action.

During the course of this study, we polled the CAFs to determine their policies and procedures for PSS cases containing SR/NO polygraph results with no admissions, and did a random sampling of file reviews. Our random sampling of cases at the DoD Intelligence Community (IC) elements and review of their procedures determined that, if no other disqualifying information is uncovered and all that remains is the series of SR/NO polygraphs, then the subject is placed in a conditional clearance status and remains in access. It was also the Study Team's overall evaluation from randomly reviewing the agencies files that, in many cases, literally months go by between polygraphs as the Component attempts to resolve the situation. Further, in a majority of the cases we observed relatively little additional investigation into the subject with the exception of interviews by security officials or occasionally by a CI agent. We found few instances where the subject's access was temporarily suspended, nor indications of the use of insider-threat detection tools such as I.T. auditing and monitoring of the subject to detect anomalies.

**RECOMMENDATION:** Because this issue has both CI and Security equities, and in light of the various existing Insider Threat Working Groups in DoD and at the national level, we recommend that the OUSD(I) Director of Security and Director of Counterintelligence collaborate and determine the most efficient and effective course of action to further analyze and develop a set of risk management standards to address the issue of subjects whom have unresolved polygraphs, make no admissions, and are already in access. Potential options would include either forming a working group comprised of counterintelligence, personnel security, polygraph subject matter experts and others; or leveraging one or more of the existing Insider Threat Working Groups such as the Assistant Secretary of Defense (Homeland Defense and American Security Affairs) Insider Threat Working Group (whose mandate includes security threats and espionage), the DOD CI Insider Threat Group, (led by the Defense HUMINT and Counterintelligence Center, that has been directed to assist the DoD Components in establishing CI Insider Threat Programs and providing functional guidance) or the National Counterintelligence Executive (NCIX), who is leading a number of insider threat initiatives primarily focused on the Intelligence Community.

**OBSERVATION #2:** All nine DoD polygraph programs are in full compliance with the major provisions of current DoD policy requirements found in DoD Directive (DoDD) 5210.48 "Polygraph and Credibility Assessment Program," and DoDI 5210.91 "Polygraph and Credibility Assessment Procedures", with only two procedural exceptions noted. The Defense Intelligence Agency (DIA) conducted a very limited number of Expanded Scope Screening (ESS) examinations of employees remaining overseas beyond 6.5 years. The DIA Chief of Credibility Assessment submitted a memorandum to OUSD(I) in November 2010 requesting authorization to conduct these ESS examinations based in part on a 2005 OSD authorization granted to DIA to conduct ESS examinations of DIA employees being detailed to the Central Intelligence Agency (CIA). The OUSD(I) action officer's interpretation at that time was DIA had the authority to do so. On October 20, 2011 the OUSD(I) Director of Counterintelligence reviewed this matter and determined DIA's authority pursuant to the 2005 OSD authorization was limited to DIA employees being detailed to the CIA and any other requests outside that scope would have to be resubmitted for authorization. Additionally, the National Reconnaissance Office (NRO) has conducted five ESS examinations on individuals requiring both CIA and NRO route access without first acquiring USD(I) approval.

**RECOMMENDATION:** That the DIA and NRO Directors seek written approval from USD(I) if the agencies intend to continue conducting ESS examinations.

**OBSERVATION #3:** Our interviews and file reviews at the DoD CAFs and components determined no instance of adverse administrative actions or adverse personnel actions being taken against DoD-affiliated personnel whom either refused to take or failed to successfully complete the polygraph examination, except in those situations when the subject made pre-test or post-test admissions to the polygraph examiner. All eleven DoD CAFs are in full compliance with current requirements found in DoDI 5210.91 and in particular the requirement that no unfavorable administrative action will be taken solely on the basis of either a refusal to undergo a PSS examination or an unresolved PSS examination, except as permitted in sections 6 and 7 of the instruction (i.e. denial of access or assignment due to refusal to take a PSS for positions requiring access to Top Secret or Special Access Programs). Interviews of DoD adjudicative and security personnel determined that all were completely conversant on DoD policy regarding proper use of the polygraph and polygraph-derived information. Further, a random review by the Study Team of DoD CAF adjudicative files containing Significant Response (SR)/No Opinion (NO) polygraph findings confirmed that no adjudicative or administrative actions were taken solely upon the unresolved polygraph. This is an observation only - no recommendation offered.

It is noted that the study team was made aware of one situation where adverse personnel action was taken against a DoD employee after he did not successfully complete the polygraph examinations and apparently no pre-test or post-test admissions were made. This situation occurred prior to this study's scope period, and resulted in the Secretary of Defense granting the employee's appeal. Our study efforts did not disclose any similar occurrences, and the policies and procedures contained in DoDI 5210.91 afford adequate guidance that clearly prohibit such adverse administrative/personnel actions.

**OBSERVATION #4:** Unlike the Military Departments and the DoD elements that are members of the Intelligence Community, the four CAFs of the DoD Fourth Estate, (Department of Hearings and Appeals (DOHA), Defense Industrial Security Clearance Office (DISCO), Washington Headquarters Service (WHS) CAF, and the Joint Chief of Staff (JCS) CAF) do not have an indigenous polygraph capability that can be readily leveraged to resolve specific-issues arising in initial or revalidated security clearance cases. Prior to 2008 the Fourth Estate CAFs received dedicated polygraph support, including polygraph-related training and counsel, from the Defense Security Service (DSS). However, DSS disestablished its polygraph program in 2008 after Office of Personnel Management (OPM) took over the Personnel Security Investigation (PSI) mission. Rarely do Fourth Estate adjudicators use polygraph to resolve specific-issues (such as drug use, foreign relationships and contact, etc.), because they do not have an enduring relationship with a polygraph organization.

**RECOMMENDATION:** DoD Instruction 5240.10 was reissued on October 5, 2011, establishing responsibilities for Military Department CI Organizations (MDCOs) to

provide CI support (including polygraph) to DoD components as delineated in the instruction. In accordance with Tables 1 and 3 of Enclosure (3) of the instruction, the DoD Fourth Estate CAFs should receive polygraph support and consult, including training adjudicators on polygraph terminology and mechanics of polygraph requests, as follows:

WHS CAF	NCIS Polygraph Program
DISCO	AFOSI/Air Force Polygraph Program
DOHA	AFOSI/Air Force Polygraph Program

It is recommended that the NCIS and Air Force Polygraph Program Managers proactively establish a relationship with their counterpart CAF Director and develop polygraph support agreements. Note: JCS CAF was not included in this recommendation because they are receiving support predominately from DIA.

**OBSERVATION #5:** The DoD Personnel Security Adjudicator Course (PSAC) is the baseline training course conducted by the DoD Center for the Development of Security Excellence (CDSE) located in Linthicum, MD. A review of the course curriculum, as well as interviews of CDSE training managers, determined the course does not provide formal instruction to students on polygraph regarding DoD policy stating that no unfavorable administrative action may be taken solely on the basis of either a refusal to undergo a polygraph or an unresolved polygraph examination.

**RECOMMENDATION:** That OUSD(I) Security Director task CDSE to include a block of instruction on polygraph in the PSAC. The training should include education on DoD polygraph policy, terminology, practices, and appropriate data entry into the Joint Personnel Adjudication System (JPAS), and/or Scattered Castles. CDSE curriculum managers should seek and receive subject-matter expertise from NCCA and the DCHC to assist in the development and instruction of the polygraph curriculum.

We also recommend that DoD Polygraph Program Managers seek increased opportunities for polygraph examiners to receive training on how polygraph-derived information is best presented to and used by DoD adjudicators. Currently several of the Polygraph Programs, including NRO and NSA, have excellent in-house training and might be considered as a template for a training model.

**OBSERVATION #6:** We conducted a review of existing polygraph policies and, based upon the results of our study as well as feedback from the components, we believe the current DoD polygraph policies and guidance found in DoDD 5210.48 and DoDI 5210.91 are adequate, provide sufficient authority to execute the polygraph program and affords



clear guidance.

The current DoDD 5200.2 (Personnel Security Program) and DoD 5200.2-R contain no explicit guidance paralleling that found in DoDI 5210.91 regarding the policy that no unfavorable administrative action shall be taken solely on the basis of either a refusal to undergo a PSS examination or an unresolved PSS examination except under certain conditions. DoDD 5200.2 is currently under revision and is expected to be signed in December 2011. A review of the draft Directive determined that it does reference DoDI 5210.91 but does nothing further to describe the authorities and limitations found in 5210.91 regarding refusals to undergo polygraphs or unresolved PSS examinations. Similarly, DoD 5200.2-R is being replaced by DoD 5200.2M, a draft of which is in the formal coordination stage with an anticipated release date of approximately October 2012; a review of Volumes 1 and 2 of the draft 5200.2M determined it too does not contain guidance regarding polygraph.

**RECOMMENDATION:** In light of the PDUSD(I) emphasis upon assuring unresolved polygraphs and individual polygraph refusals are being handled in accordance with DoD policy, recommend OUSD(I) Security Director assure that DoDD 5200.2 and/or DoD 5200.2M contain the parallel guidance found in DoDI 5210.91 regarding refusals to undergo a PSS examination or an unresolved PSS examination. Having this information in the Personnel Security Program Instruction and Manual assures DoD security and adjudicative personnel will have ready access to this vital guidance since it is these documents they will most commonly reference when seeking direction.

**OBSERVATION #7:** A 2001 technical report issued by the Defense Personnel Security Research Center (PERSEREC) concluded that the three most productive sources for the development of issue-relevant information are the SF-86, the subject interview and the credit records check. These sources accurately identified 87% to 95% of potential issue cases and 92% to 100% of cases upon which the DoD organization took some sort of administrative action. A second PERSEREC study issued in 2004 determined approximately 38% of subjects with reportable offenses did not self-disclose reportable criminal arrests, charges, or convictions on their SF-86.

NSA is the only DoD agency currently authorized by United States Code (USC) to conduct ESS polygraph examinations and thus is the only agency permitted to ask examinees screening questions involving falsification of the SF86. During a 5 month period NSA polygraph examiners, utilizing the ESS, acquired 1555 admissions including 1470 suitability admissions and 85 counterintelligence admissions, representing a 20.7% admission rate. By comparison, the other DoD Polygraph Programs acquired an approximate 12% admission rate. According to NSA, its top reason for clearance denials has generally been for undetected crimes. NSA attributes the large volume of undetected crime admissions almost exclusively to the expanded scope polygraph.

DoDI 5210.91 states that the USD(I) is responsible for approving Component requests to augment CSP examinations with ESS examination questions for initial applicants to designated positions. The Directive requires Components to demonstrate the perceived value of employing the ESS examination over the CSP and the predicted rates of non-selection based on the ESS.

**RECOMMENDATION:** In light of the aforementioned NSA ESS data and the PERSEREC research that the SF-86 is one of the most productive sources for providing issue-relevant information yet 38% of subjects omit reportable offenses on their SF-86s, we recommend the DIA and NGA Directors consider submitting an ESS exemption to USD(I) for PSS examinations involving initial access by applicants and contractors.

**OBSERVATION #8:** To improve the use of polygraph results as an adjudicative tool, there is a need to set standards refining the collection, proper use of polygraph results, feedback to the Polygraph Programs from adjudication, and a process providing evaluation and analysis of the use of polygraph results across the DoD adjudication community. A mechanism specifically focused upon the effective application of polygraph and polygraph results would be a catalyst for propelling enhanced guidance and standardized policies for both polygraph and adjudication alike.

In FY10, OUSD(I) Security Directorate funded a program administered by PERSEREC that focused on assessing the quality and efficiencies of DoD CAFs. This program is known as the “Review of Adjudication Documentation, Accuracy and Rational (RADAR)”. RADAR analyzes CAFs ability to better document their decisions/actions. This tool focused on three main areas: (1) completeness of investigation information, (2) use of disqualifying and mitigating factors in the decision-making process, and (3) the extent to which adjudication decisions were documented in accordance with DoD policy. According to PERSEREC, FY10 RADAR program did not have a specific component addressing the use of polygraph by adjudications, and did not include the DoD IC CAFs whom are the primary user of the PSS polygraph. The FY11 RADAR data collection project was to have included the DoD IC CAFs, however due to apparent fiscal constraints RADAR was not accomplished during FY11.

PERSEREC believes a polygraph component in RADAR would provide clarity to specific aspects of the adjudication and polygraph functions. The initiative would periodically assess the adjudicator’s expectations of polygraph, what polygraph results are provided to adjudication and how polygraph results are used in decision-making. This would result in standardized processes, and more effective application of the polygraph tool.

**RECOMMENDATION:** As a primary goal of this study is to better understand and validate the proper use of polygraph results, we recommend OUSD(I) Security Director support the addition of a polygraph component to RADAR during its next cycle. The purpose of this polygraph component would be to identify existing administrative and policy gaps and make recommendations that would bring a more effective use of polygraph results in personnel security screening.

**OBSERVATION #9:** DoDI 5210.91 requires that PSS examinations be entered into the Joint Personnel Adjudication System (JPAS), a CI information system, or other appropriate DoD databases. JPAS and the Intelligence Community's Scattered Castles system represent the first entry point for results of PSS polygraph examinations into community-wide databases.

With regard to JPAS, the near universal opinion of the 11 CAFs and other interviewees is that the polygraph section of JPAS was lacking data of potential benefit to an adjudicator, specifically information regarding unresolved polygraphs. Our study determined that the JPAS polygraph data fields only permit the entry of polygraphs that are deemed successful with no capability to enter data regarding unresolved polygraphs. Having this added information in JPAS would provide the adjudicator with the knowledge that a polygraph file exists containing potentially issue-specific information, which can then be acquired by the CAF for review. Contact with OUSD(I) Security Directorate determined they are not aware of any legal or policy prohibitions to entering unresolved polygraph data into JPAS. JPAS is migrating into the Defense Information Security System (DISS), anticipated for the third quarter of FY2014.

Additionally, our study determined:

- JPAS polygraph data fields are inaccurate and/or missing key agency identifiers.
- One polygraph agency has resorted to JPAS “work-around” to flag CSP polygraphs ending in a favorable result; however, possessing derogatory information in the polygraph report.
- There is no guidance regarding polygraph data entry schedule requirements into JPAS. One DoD Polygraph Program admitted to a four-month backlog entering data into JPAS.

**RECOMMENDATION:** Recommend that OUSD(I) Security Director sponsor a requirements review working group, comprised of appropriate DoD polygraph and security personnel, to identify polygraph data submission requirements, any JPAS/DISS system changes to meet those requirements, and submit the new requirements for validation.

## Table of Contents

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<b>Acknowledgements .....</b>	<b>2</b>
<b>Executive Summary .....</b>	<b>3</b>
<b>I. Introduction .....</b>	<b>14</b>
<b>II. Scope and Methodology .....</b>	<b>16</b>
<b>III. Observations/Recommendations .....</b>	<b>18</b>
1. Unresolved Polygraphs .....	18
2. The Nine DoD Polygraph Programs Are In Compliance .....	19
3. DoD CAFs Compliance .....	20
4. DoD Fourth Estate CAFs Require Polygraph Support .....	21
5. Baseline Training for Adjudicators on Polygraph .....	22
6. Policy Issues .....	23
7. Expanded ESS .....	24
8. Analysis of Functional Processes in the Use of Polygraph Results .....	25
9. JPAS Polygraph Data Elements and Entry .....	26
<b>IV. Addressing The Task Work Statements .....</b>	<b>28</b>
3.0 Assess if the DoD Polygraph Program quantitatively and qualitatively contributes to better personnel security. ....	28
3.1 Review and assess the processes used by the nine DoD Polygraph programs concerning applicant and aperiodic screening for security, human resources and adjudication. ....	29
3.2 Identify and assess how the results of polygraph examinations are used in the personal security, law enforcement and counterintelligence programs they support. ....	30
3.3 Assess if there is a consistent methodology in the handling of examinees who do not complete the screening (aperiodic and applicant) polygraph examination. ....	31
3.4 Review and assess if the oversight mechanisms and quality of the DoD Polygraph Program are sufficient, timely, and of value.....	33
3.5 Assess if there are standard processes across the DoD Polygraph Program for pre- and post-examination quality assurance. ....	34
3.6 Assess if the DoD Polygraph Program has properly trained and experienced examiners to conduct the range of polygraph testing required. ....	34
3.7 Assess if the DoD Polygraph Program Components are conducting the proper polygraph examinations (criminal, security, CI/HUMINT) that are individually authorized by the U.S. Government and the Department of Defense. ....	35
3.8 Assess if the DoD Polygraph Program uses a “best practices” methodology. ....	36
3.9 Assess if the DoD polygraph components have effectively trained and quality controlled the identification of countermeasures used by examinees as a result of the Ana Montes DoD IG lessons learned report. ....	36
3.10 Assess if the DoD Polygraph Program is screening the right people for access to classified information.....	37
3.11 Develop and present informational and technical briefings to members of the Counterintelligence, Security, Intelligence, and Law Enforcement community. ....	38
3.12 Research issues related to polygraph science and technology, process management	

and compliance and report findings. .... 38

3.13 Assess DoD agencies employing polygraph on matters relating to polygraph process and compliance. .... 39

3.14 Advise and assist government-led meetings in identifying which study recommendations should be adopted. .... 39

3.15 Determine if there are additional policy requirements necessary to adopt and implement the recommendations of the study. .... 40

3.16..... 40

3.17 Analyze the impact adopted recommendations will have on DoD agencies, the polygraph community, its resources and its customers. .... 40

3.18 Record Proceedings at Government Led Meetings..... 42

3.19 Assist Outreach and Communications Activities ..... 42

**Appendix..... 43**

Appendix A: List of Agencies Visited/Interviews..... 43

Appendix B: Polygraph Questionnaire ..... 46

Appendix C: Adjudication Questionnaire ..... 48

Appendix D: Definitions ..... 50

Appendix E: Acronyms ..... 52

Appendix F: Statistical Figures..... 55

## I. Introduction

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The PDUSD(I) commissioned this study in June 2011 to assess the practices, methodologies and compliance with existing policies of the nine DoD Polygraph Programs, as well as to assess the sufficiency of DoD polygraph policies, training and procedures. Additionally, PDUSD(I) tasked the Study Team to assess DoD component's use of polygraph examination results, with particular emphasis on determining compliance with DoDI 5210.91 regarding the approved use of polygraph results. The Study Team was requested to provide observations and actionable recommendations that can improve the system.

The scope of the study covered polygraph examinations conducted during the period May 01, 2010 to April 30, 2011. Our study included site visits and interviews at the nine DoD organizations authorized to conduct polygraph examinations as well as to eleven DoD Central Adjudication Facilities (CAF) that are prime customers of the information derived from the polygraph examination process. Over 94% of the approximately 43,434 polygraphs conducted by the DoD organizations during the scope period were for personnel security screening purposes, which accentuates the importance of close connectivity and communication between the DoD polygraph and personnel security communities.

The following personnel formed the Study Team of Subject Matter Experts to produce this study:

Ralph Blincoe, career Military Criminal Investigative Organization (MCIO) senior special agent and former MCIO Deputy Director

Ronald Benefield, career MCIO senior special agent and former OUSD(I) Polygraph Program Manager

Richard Garbett, career MCIO polygraph examiner with 20 years of polygraph experience

As detailed in this report, our overall assessment is that the DoD Credibility Assessment Program is extremely impressive in all aspects, with an excellent initial training and continuing education provider at the National Center for Credibility Assessment (NCCA), compliance with national technical and quality assurance standards, strong oversight at the agency and OSD levels. The program has an outstanding cadre of experienced examiners, with polygraph Program Managers having an average of 17 years of polygraph experience, quality control personnel 13 years, and line examiners over seven years of experience. The polygraph has and continues to be a valuable tool in supporting and advancing DoD personnel security and counterintelligence matters, criminal investigation resolution, and mitigating the insider threat. Literally every DoD

polygraph and adjudicative agency visited during this study described specific case examples where information derived from the polygraph process was the key differentiator in identifying and resolving significant issues. Further, we concluded that the CAFs are appropriately following DoD policy regarding the use of polygraph results, taking great care to assure no unfavorable administrative action is taken solely on the basis of either a refusal to undergo a PSS examination or an unresolved PSS examination except as provided in DoDI 5210.91. We did identify several potential policy and training opportunities, and we present recommendations that, if implemented, will strengthen an already impressive system.

## II. Scope and Methodology

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At the outset the Study Team received briefings from the OUSD(I) Deputy Director for CI Functional Services, the OUSD(I) Division Chief for Personnel Security, and the DCHC Branch Chief for Credibility Assessment regarding pertinent historical information, program policies and the study action plan. We also participated in a study kick-off briefing with the PDUSD(I), wherein he indicated the purpose of the study is to conduct an independent review of DoD's use of the polygraph to determine what, if any, shortfalls exist and develop solid lessons- learned and recommendations for system improvements. The PDUSD(I) advised that this study is not about debating the use and/or value of the polygraph, but rather the correct application and use of its findings.

The Study Team visited the National Center for Credibility Assessment (NCCA), Columbia, S.C., where we received an orientation briefing from the Center's Director and staff regarding polygraph examiner initial and continuing education training requirements and curriculum, certification requirements, the Quality Assurance Program (QAP) inspection process, the Federal Handbook for Credibility Assessment, DoD policies governing credibility assessment, and countermeasures training and reporting requirements. The Study Team reviewed the most recent QAP inspection reports for the nine DoD Polygraph Programs in which each was determined to be in compliance with the Federal Handbook and all applicable DoD policies. Several programs had minor administrative discrepancies that were corrected following the QAP inspection.

The Study Team reviewed and became familiar with existing policy documents regarding polygraph and personnel security, including DoDD 5210.48, DoDI 5210.91, the Federal Handbook, DoDD 5200.2 (DoD Personnel Security Program) and DoD 5200.2-R (DoD Personnel Security Program Regulations). The Study Team also reviewed the draft update to DoDD 5200.2, currently in the final coordination process, as well as the draft DoD 5200.2M, Volumes 1 & 2. Additionally, the Study Team reviewed and became familiar with Intelligence Community Directive 704 (Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and Other Controlled Access Program Information) and associated Intelligence Community Policy Guidance.

For additional background and context information, we acquired and reviewed the 2006 DoD Polygraph Program Strategy and Management Study conducted by the Battelle Memorial Institute. Additionally, we acquired and reviewed several reports issued by the Defense Personnel Security Research Center including Consistency in Collecting and Reporting Polygraph-Derived Information for Adjudication issued in March 2008; SSBI-PR Source Yield: An Examination of Sources Contacted During the SSBI-PR issued in August 2001; Crime Self-Reporting Study Phase 1 issued in November 2004; Identifying Issue-Related Behaviors That Warrant Expansion of SSBI-PR to Include Phase 2 Sources issued in December 2005; and the 2010 RADAR Adjudication Quality Evaluation issued



on May 2, 2011.

During the polygraph policy and process review phase we developed a questionnaire (Appendix B) containing polygraph-related questions raised in the OUSD(I) Task Work Statement as well as in the OUSD(I) Study Plan, which was forwarded in advance to each of the nine DoD organizations authorized to conduct polygraphs. We then conducted site visits to each of the DoD Polygraph Programs and conducted interviews of the Polygraph Program Managers and/or designated polygraph officials and reviewed each agency's internal polygraph policy. We collected statistical data at each location regarding polygraphs administered, and the results of those polygraphs, during the time period of May 1, 2010 to April 30, 2011. We also randomly selected and reviewed individual polygraph case files at each agency to assess compliance with the Federal Handbook and DoD policy, and to determine how the results were utilized in the decision-making process, with special attention given to the handling of examinees that did not complete personnel security screening examinations. We also gave special attention to the interaction between polygraph, security and adjudicative processes within each organization.

During the adjudication policy and process review phase we visited the DoD Center for the Development of Security Excellence (CDSE) in Linthicum, MD, to acquire an overview of the training courses and associated curriculum provided to DoD personnel security adjudicators. We developed a questionnaire (Appendix C) containing adjudication-related questions raised in the OUSD(I) Task Work Statement and in the OUSD(I) Study Plan, which was forwarded in advance to the 11 DoD CAFs. We then conducted site visits to each of the DoD CAFs and interviewed the CAF Directors and/or designated adjudication officials and reviewed the agency's internal policies and standard operating procedures governing the use of polygraph results. We also randomly selected and reviewed individual adjudication files to determine how polygraph results were utilized in adjudicative decisions, again with special attention afforded to those examinees that did not successfully complete the polygraph examination.

The Study Team also interviewed the Program Managers of the Joint Personnel Adjudication System (JPAS), the Intelligence Community Security Clearance Repository (also known as "Scattered Castles") and the Defense Information Security System (DISS) to acquire policies and procedures for entering polygraph information into these systems.

We conducted interviews at the Office of the National Counterintelligence Executive (ONCIX) Special Security Directorate (SSD) to gain an understanding of Intelligence Community directives and policies regarding polygraph as well as Security Executive Agent initiatives impacting polygraph and adjudication.

All told, we interviewed 64 individuals assigned to 24 various organizations during the active phase of the study and received outstanding cooperation and support (Appendix C). The Study Team was also afforded the opportunity to conduct five periodic progress reviews with the government technical customers, which proved invaluable in assuring that our approach and focus was aligned with customer expectations.

### **III. Observations/Recommendations**

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#### **1. Unresolved Polygraphs**

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The vast majority of PSS examinations administered during the scope period ended successfully, with approximately 94% resulting in a final opinion of NSR, and although the precise data does not exist in the DoD Polygraph Programs databases, it is our analysis that a very small percentage of SR/NO exams end without admissions made by the subject. It is in this small percentage of circumstances, and in particular those situations when the subject is already in access and there is no other issue specific or derogatory information available to the adjudicator, that presents the agency with the challenge of attempting to clear up the subject's unresolved polygraph while at the same time employing sound risk management.

During the course of this study, we polled the CAFs to determine their policies and procedures for PSS cases containing SR/NO polygraph results with no admissions, and three of the responses are provided as follows:

- One CAF offers the individual a second polygraph. If that polygraph is also SR/NO with no admission, then an adjudicator and/or personnel security specialist interviews the individual in an effort to gain additional information to be provided to the polygraph examiner. Any new pertinent information is utilized in a third polygraph. If the result is still SR/NO with no admission, then the individual is placed on a conditional clearance that is not reciprocated between agencies. The conditional clearance mandates quarterly contact with the Adjudications Branch to ensure that agency reporting requirements are maintained and security practices followed. After a period of four to six months the Adjudications Branch requests the polygraph program to conduct another polygraph examination, broken down into more targeted questions to assist in determining the test problem areas. Until the subject successfully completes the polygraph, the conditional clearance will remain in place with added requirements for coordination with the Adjudications Branch.
- Another CAF's process calls for the individual to be rescheduled for another polygraph examination at a future date. The polygraph process continues until the individual is determined to be NSR, provides disqualifying admissions, or is no longer sponsored for SCI access at the agency. The individual continues to have access during the course of this process.
- Lastly, this CAF, based upon the SR or NO calls to specific CSP questions, refers the case to either the agency's Counterintelligence Division (CID) or the Special Investigations Team (SIT) for review and a detailed interview regarding the subject's inability to successfully complete the CSP test. CID receives a referral

on those cases where the subject was SR to involvement with a foreign government or Terrorism, and CID determines the course of action on those cases. SIT receives the referral on the remaining unresolved CSP cases with a request to conduct a detailed interview regarding the subject's inability to complete the CSP process. In either of the above situations, the agency places a temporary code in IC databases to reflect them as a "condition." If CID or SIT are unsuccessful in their attempts to clarify further the cause of the unresolved polygraph (and any additional polygraph testing is also unsuccessful), then the adjudicator recommends to management that the case be closed with the individual remaining in access under "conditional" circumstances.

It was also the Study Team's overall evaluation from randomly reviewing the agencies files that, in many cases, literally months go by between polygraphs as the Component attempts to resolve the situation. Further, in a majority of the cases we observed relatively little additional investigation into the subject with the exception of interviews by security officials or occasionally by a CI agent. We found few instances where the subject's access was temporarily suspended, nor indications of the use of insider-threat detection tools such as I.T. auditing and monitoring of the subject to detect anomalies.

**RECOMMENDATION:** Because this issue has both CI and Security equities, and in light of the various existing Insider Threat Working Groups in DoD and at the national level, we recommend that the OUSD(I) Director of Security and Director of Counterintelligence collaborate and determine the most efficient and effective course of action to further analyze and develop a set of risk management standards to address the issue of subjects whom have unresolved polygraphs, make no admissions, and are already in access. Potential options would include either forming a working group comprised of counterintelligence, personnel security, polygraph subject matter experts and others; or leveraging one or more of the existing Insider Threat Working Groups such as the Assistant Secretary of Defense (Homeland Defense and American Security Affairs) Insider Threat Working Group (whose mandate includes security threats and espionage), the DOD CI Insider Threat Group, (led by the Defense HUMINT and Counterintelligence Center, that has been directed to assist the DoD Components in establishing CI Insider Threat Programs and providing functional guidance) or the National Counterintelligence Executive (NCIX), who is leading a number of insider threat initiatives primarily focused on the Intelligence Community.

## **2. The Nine DoD Polygraph Programs Are in Compliance With DoD Directive 5210.48 and DoD Instruction 5210.91.**

All nine DoD organizations authorized to conduct polygraph examinations are in

compliance with the major provisions of DoD policy requirements found in DoDD 5210.48 and DoDI 5210.91. We base our assessment upon our visits to each Polygraph Component and interviews with the Polygraph Program Managers and reviews of internal policy documents, technical reports, Quality Assurance Program (QAP) inspections conducted by the National Center for Credibility Assessment (NCCA), and OUSD(I) CI oversight reports. During the course of our review two procedural departures from existing policy were noted:

- As part of a risk mitigation strategy, DIA conducted four ESS examinations of employees remaining overseas beyond 6.5 years. The DIA Chief of Credibility Assessment submitted a memorandum to OUSD(I) in November 2010 requesting authorization to conduct these examinations based in part on the 2005 OSD authorization granted to DIA to conduct ESS examinations of DIA employees detailed to the Central Intelligence Agency (CIA). The written record appears to suggest that the OUSD(I) action officer's interpretation was that DIA had the authority to do so. On October 20, 2011 the OUSD(I) Director of Counterintelligence reviewed this matter and determined that DIA's authority was limited to only DIA employees being detailed to the CIA. Any other requests outside that scope would have to be resubmitted by DIA to OUSD(I).
- The NRO Polygraph Program Manager advised that NRO conducted five ESS examinations on individuals requiring both CIA and NRO route access without first acquiring USD(I) approval. The ESS examinations occurred after April 30, 2011. The Polygraph Program Manager explained it was his understanding NRO was not required to seek USD(I) approval because NRO's personnel security authorities are derived from CIA not DoD. Subsequent contact by the Study Team with OUSD(I) Counterintelligence Directorate determined ESS approval requirements found in DoDI 5210.91 do in fact apply to NRO.

**RECOMMENDATION:** That the DIA and NRO Directors seek ESS authorization from USD(I) if the agencies intend to continue conducting ESS examinations.

### **3. DoD Central Adjudication Facilities Compliance (Observation Only)**

Interviews and historical file reviews at DoD CAFs and components determined no instances of adverse administrative actions or adverse personnel actions being taken against DoD-affiliated personnel whom either refused to take or failed to successfully complete a polygraph examination. All eleven DoD CAFs are in full compliance with current DoD requirements found in DoDI 5210.91 and in particular the requirement that no unfavorable administrative action has been taken solely on the basis of either a refusal to undergo a PSS examination or an unresolved PSS examination. Interviews of DoD

adjudicative and security personnel during the course of this study determine all were completely conversant on DoD policy regarding proper use of the polygraph and polygraph-derived information, and all asserted that no clearance eligibility or access decisions have been based solely upon polygraph chart examination indicating significant response (SR) or no opinion (NO). Further a random review by the Study Team of DoD CAF adjudicative files containing SR/NO polygraph findings confirmed that no adjudicative or administrative actions were taken solely upon the unresolved polygraph.

#### **4. DoD Fourth Estate Central Adjudication Facilities Require Polygraph Support To Aid In Resolving Adjudicative Issues**

Unlike the Military Departments and the DoD elements that are members of the Intelligence Community, the four Central Adjudication Facilities (CAFs) of the DoD Fourth Estate (DOHA, DISCO, WHS CAF, JCS CAF) do not have an indigenous polygraph capability that can be readily leveraged to resolve specific-issues arising in initial or revalidated security clearance cases. Prior to 2008 the Fourth Estate CAFs received dedicated polygraph support, including polygraph-related training and counsel, from the Defense Security Service (DSS); however, DSS disestablished its polygraph program in 2008 after the Office of Personnel Management (OPM) assumed the PSI mission, leaving the Fourth Estate CAFs without direct polygraph support. During the course of this study three of the Directors/Representatives of the Fourth Estate CAFs requested consistent polygraph support from a DoD organization authorized to conduct polygraph examinations. They noted that Fourth Estate adjudicators, with rare exception, do not have an existing relationship with a polygraph organization and thus do not use the polygraph to resolve specific-issues (such as drug use, foreign relationships and contact, etc.). Adjudicators of the other DoD CAFs, especially those elements of the Intelligence Community, have successfully employed the polygraph to resolve specific-issues. On the other hand, as one Fourth Estate CAF Director stated, the DoD Fourth Estate adjudicators "look for work-arounds" to resolve issue-based cases. It is estimated that the Fourth Estate CAFs combined would generate fewer than 30 polygraph examination requests per year.

Please note the JCS CAF was the only Fourth Estate CAF not to request polygraph support, the reason being that its Director had already sought and received consistent, direct support from the DIA Credibility Assessment Program and from the military service polygraph component when necessary.

**RECOMMENDATION:** DoD Instruction 5240.10 was reissued on October 5, 2011, establishing responsibilities for Military Department CI Organizations (MDCOs) to provide CI support (including polygraph) to DoD components as delineated in the instruction. In accordance with Tables 1 and 3 of Enclosure (3) of the instruction, the DoD Fourth Estate CAFs should receive polygraph support and consult, including

training adjudicators on polygraph terminology and mechanics of polygraph requests, as follows:

WHS CAF	NCIS Polygraph Program
DISCO	AFOSI/Air Force Polygraph Program
DOHA	AFOSI/Air Force Polygraph Program

It is recommended that the NCIS and Air Force Polygraph Program Managers proactively establish a relationship with their counterpart CAF Director and develop polygraph support agreements.

## **5. Baseline Training and Education for Adjudicators on Polygraph**

The DoD Personnel Security Adjudicator Course (PSAC) is the baseline training course attended by DoD personnel security adjudicators. It is a two-week, instructor-led course conducted by the DoD Center for the Development of Security Excellence (CDSE) located in Linthicum, MD. A review of the course curriculum, as well as interviews of CDSE training managers, determined the course does not provide formal instruction to students on polygraph including the DoD policy stating that no administrative action may be taken solely on the basis of either a refusal to undergo a polygraph examination or an unresolved polygraph examination. As a supplement to the CDSE course, all DoD CAFs have developed in-house adjudicator training protocols, including instructor-based and on the job training, and most have included some element of polygraph related training; however, the training varies greatly in depth and content, and does not consistently cover significant polygraph topics such as terminology, policy and examination requests. The DoD CAF Directors and Representatives interviewed during the course of this study unanimously indicated that, due to the importance of the polygraph as an aid in resolving credible derogatory information, all DoD adjudicators should receive a standardized block of instruction at CDSE on DoD polygraph policy, theory and practices. Additionally, the CDSE staff members interviewed during the course of this study, several of whom have many years of experience in personnel security, agreed that instruction regarding the use of the polygraph in adjudications should be added to the course curriculum.

Our contact with ODNI/NCIX determined that the curriculum of the one week ICD-704 Adjudicator Course does include a 15 minute block of instruction wherein polygraph is mentioned as an additional tool for adjudicators. This course is attended by adjudicators of the DoD IC elements and adjudicators assigned to DoD CAFs with SCI eligibility determination authority.

**RECOMMENDATIONS:**

1. That OUSD(I) Security Director task CDSE to include a block of instruction on polygraph in the PSAC. The training should include education on DoD polygraph policy, terminology, practices, and appropriate data entry into JPAS and/or Scattered Castles. CDSE curriculum managers should seek and receive subject-matter expertise from NCCA and DCHC to assist in the development and instruction of the polygraph curriculum.

2. In light of the fact that approximately 94% of the polygraph examinations administered in DoD are related to personnel security screening, DoD Polygraph Program Managers should seek increased opportunities for polygraph examiners to receive training on how polygraph-derived information is best presented to and used by DoD adjudicators. Currently several of the Polygraph Programs, including NRO and NSA, have excellent training in these areas. It is noted that we considered recommending NCCA include an adjudicative block of instruction within the 14 week credibility assessment certification course, however due to varying CAF standard operating procedures, this training is best provided in-house when the newly certified polygraph examiner returns to their agency.

**6. Policy Issues**

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We conducted a review of existing polygraph policies and, based upon the results of our study, we believe that the current DoD polygraph policies and guidance found in DoDD 5210.48 and DoDI 5210.91 are adequate, provide sufficient authority to execute the polygraph program and affords clear guidance to the components. We do offer the following recommendation regarding current and draft DoD Personnel Security Program policy.

The current DoDD 5200.2 (DoD Personnel Security Program), dated April 9, 1999, does not contain guidance that parallels the information contained within DoDI 5210.91, which states that no unfavorable administrative action shall be taken solely on the basis of either a refusal to undergo a PSS examination or an unresolved PSS examination except under certain conditions. DoDD 5200.2 is currently under revision and is expected to be signed and published by December 2011. A review of the draft Directive 5200.2 determined that it does reference DoDI 5210.91, but does nothing further to describe the authorities and limitations found therein. Similarly, DoD 5200.2-R (DoD Personnel Security Program) dated January 1987 is in the process of being updated and will be replaced with DoD 5200.2M, Volumes 1-3, with an anticipated signature date of October 2012. Our review of the 5200.2-R and Volumes 1 and 2 of the draft DoD 5200.2M determined neither contain direction or procedures regarding individuals who either refuse the polygraph or do not successfully complete it.

**RECOMMENDATION:** In light of the OUSD(I) emphasis upon assuring unresolved

polygraphs and individual polygraph refusals are being handled in accordance with DoD policy, it is recommended that OUSD(I) Security Director assure that 5200.2 and DoD 5200.2M contain the parallel guidance found in DoDI 5210.91 regarding refused and unresolved PSS examinations. Having this information in the appropriate Personnel Security Program Instruction and Manual assures DoD security and adjudicative personnel will have ready access to this information within the documents commonly used for training, guidance, and general reference.

## 7. Expanded ESS

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A 2001 technical report issued by the Defense Personnel Security Research Center (PERSERC), entitled “SSBI-PR Source Yield: An Examination of Sources Contacted During the SSBI-PR” concluded that the three most productive sources for the development of issue-relevant information during the course of a personnel security investigation are the SF-86/SPHS, the subject interview and the credit records check. These sources accurately identified 87% to 95% of potential issue cases and 92% to 100% of cases upon which the DoD organization took some sort of administrative action. A second PERSEREC study issued in 2004 entitled “Crime Self Reporting Study-Phase 1” determined approximately 38% of subjects with reportable offenses did not self-disclose reportable criminal arrests, charges, or convictions on their SF-86.

NSA is the only DoD agency currently authorized by USD(I) to conduct ESS polygraph examinations and thus is the only agency permitted to ask examinees screening questions involving falsification of the SF86, involvement in serious criminal conduct, and illegal drug involvement. During a five month period NSA polygraph examiners, utilizing the ESS, acquired 1555 admissions including 1470 suitability admissions and 85 counterintelligence admissions, representing a 20.7% admission rate. By comparison, the other DoD Polygraph Programs acquired an approximate 12% admission rate during PSS examinations. According to NSA, its top reason for clearance denials has generally been for undetected crimes. NSA attributes the large volume of undetected crime admissions almost exclusively to the expanded scope polygraph.

DoDI 5210.91 states that the USD(I) is responsible for approving Component requests to augment CSP examinations with ESS examination questions for initial applicants to designated positions. The Directive requires components to demonstrate the perceived value of employing the ESS examination over the CSP and the predicted rates of non-selection based on the ESS. Neither DIA nor NGA, which are the only two components in addition to NSA conducting applicant polygraphs, have previously requested ESS authority for pre-employment screening purposes.

**RECOMMENDATION:** In light of the aforementioned NSA ESS data and the PERSEREC research that the SF-86 is one of the most productive sources for providing



issue-relevant information yet 38% of subjects omit reportable offenses on their SF-86s, we recommend the DIA and NGA Directors consider submitting an ESS exemption to USD(I) for PSS examinations involving initial access by applicants and contractors.

## **8. Analysis of Functional Processes in the Use of Polygraph Results**

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During the scope period of this study, the DoD Polygraph Programs conducted over 43,000 tests, of which 94% are in support of personnel security screening.

To improve the use of polygraph results as an adjudicative tool, there is a need to set standards refining the collection, proper use of polygraph results, feedback to the Polygraph Programs from adjudication, and a process providing analysis and observation of the use of polygraph results across the DoD adjudication community. By defining, measuring, and providing regular feedback on polygraph information used in adjudication, an analysis mechanism would be a catalyst for propelling enhanced guidance and standardized policies for both polygraph and adjudication alike.

In FY10, OUSD(I) Security Director funded a program administered by the DoD Personnel Security Research Center (PERSEREC) that focused on assessing the quality and efficiencies of DoD CAFs. This program is known as the Review of Adjudication Documentation, Accuracy and Rational (RADAR). RADAR analyzes CAFs ability to better document their decisions/actions. This tool focused on three main areas: (1) completeness of investigation information, (2) use of disqualifying and mitigating factors in the decision-making process, and (3) the extent to which adjudication decisions were documented in accordance with DoD policy. According to PERSEREC, the FY 2010 RADAR program did not have a specific component addressing the use of polygraph by adjudications, and did not include the DoD IC CAFs whom are the primary user of the PSS polygraph. The FY11 RADAR data collection project was to have included the DoD IC CAFs, however due to apparent fiscal constraints RADAR was not accomplished during FY 2011.

PERSEREC believes a polygraph component in RADAR would provide clarity to specific aspects of the adjudication and polygraph functions. The initiative would periodically assess the adjudicator's expectations of polygraph, what polygraph results are provided to adjudication and how polygraph results are used in decision-making. This would result in standardized processes, more effective application of the polygraph tool and more meaningful use polygraph results. PERSEREC advises a RADAR polygraph component could be readily added to the RADAR scope section, but given the unique nature and use of the polygraph, the best strategy for assessing its use would be to develop a dedicated module focusing on the questions of interest; this would require input from subject matter experts, but is well within PERSEREC's ability to develop.

**RECOMMENDATION:** As a primary goal of this study is to better understand and validate the proper use of polygraph results, we recommend OUSD(I) Security Director support the addition of a polygraph component to the RADAR program during its next funding cycle. The purpose of this polygraph component would be to identify existing administrative and policy gaps and make recommendations that would bring a more effective use of polygraph results in personnel security screening.

## **9. JPAS Polygraph Data Elements and Entry**

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DoDI 5210.91 requires that PSS examinations be entered into the Joint Personnel Adjudication System (JPAS), a CI information system, or other appropriate DoD databases. Currently, the DoD polygraph organizations use two separate and distinct databases to record polygraph results. The first is the JPAS, an unclassified system administered by the Defense Management Data Center (DMDC), which is the DoD centralized personnel security system used by non-SCI security managers for clearance eligibility and access information. The other is the Intelligence Community Personnel Security Database known as Scattered Castles (SC), which is a Top-Secret system accessed via JWICS. SC is the IC's authoritative personnel security repository for verifying personnel security access approvals regarding SCI. JPAS data is uploaded into SC on a weekly basis; however, there is no SC reciprocity with JPAS. Both JPAS and SC represent the first entry point for results of PSS polygraph examinations into community-wide databases.

With regard to JPAS, the near-universal opinion of the 11 CAFs and other interviewees is that the polygraph section of JPAS was lacking data potentially benefiting an adjudicator, specifically information regarding unresolved polygraphs. Our study determined that the JPAS polygraph data fields only permit the entry of polygraphs that are deemed successful with no capability to enter data regarding unresolved polygraphs. Having this added information in JPAS would provide the adjudicator with the knowledge that a polygraph file exists containing potentially issue-specific information, which can then be acquired by the CAF for review. Contact with OUSD(I) Security Directorate determined they are not aware of any legal or policy prohibitions to entering unresolved polygraph data into JPAS.

Additionally our study determined:

- JPAS polygraph data fields are inaccurate and/or missing key agency identifiers.
- One polygraph agency has resorted to JPAS “work-around” to flag CSP polygraphs ending in a favorable result; however, possessing derogatory information in the polygraph report.
- There is no guidance regarding polygraph data entry schedule requirements into JPAS. One DoD polygraph program admits to a four-month backlog.

It is the study team's understanding that SC also has no mechanism to record an unresolved polygraph.

Contact with the DMDC JPAS program manager determined the agency has not received any requirements to revise the current JPAS polygraph data fields, but that changes could be implemented if DMDC received a validated requirement and funding. JPAS is migrating into the Defense Information Security System (DISS), anticipated for the third quarter of FY2014. According to the DISS program manager, over 95% of existing JPAS data elements will be migrated into the new DISS as baseline data requirements

**RECOMMENDATION:** Recommend that OUSD(I) Security Director sponsor a requirements review working group, comprised of appropriate DoD polygraph and security personnel, for the purpose of identifying polygraph data entry requirements, JPAS/DISS system changes needed to meet those requirements, and submit the new requirements for validation. It is noted that, because this study focused upon DoD, we have not made a specific recommendation regarding SC but it would seem prudent to, at a minimum, advise ODNI of this effort and invite their participation due to the parallel issues with SC.

## **IV. Addressing The Task Work Statements**

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The OUSD(I) contract commissioning this study required us to address 19 specific tasks. Those tasks and our responses are cumulatively addressed in the following section as well as in Section III of this report.

### **3.0 Assess if the DoD Polygraph Program quantitatively and qualitatively contributes to better personnel security.**

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It is the assessment of the Study Team that the DoD Polygraph Program both quantitatively and qualitatively contributes to better personnel security. We base our assessment upon the strong customer testimonials we received during our senior leader interviews at the 11 DoD CAFs, the review of current and prior year statistical data, and our independent review of adjudicative files containing polygraph-derived information at those facilities. There is clear and compelling support from the DoD security and adjudicative community for the polygraph as a key tool in advancing personnel security, resolving significant adjudicative issues, and mitigating the insider threat and the threat posed by Foreign Intelligence Entities, particularly in those situations in which an examinee provides significant derogatory information during pre-test or post-test interviews. Most often the derogatory information, ranging from relatively minor security infractions to serious felony offenses, would not have been known were it not for the employment of the polygraph, providing the adjudicator with vital information to make their whole-person adjudicative determination. Literally each and every one of the nine DoD organizations authorized to conduct polygraphs and the 11 DoD CAFs are able to cite numerous examples wherein the polygraph was instrumental in developing significant adverse personnel information or resolving specific-issue cases evolving from the adjudicative process. Probably the two strongest endorsements of the polygraph's value to promoting better personnel security were acquired from DIA and NSA, both of whom stated that polygraph is the single most effective and productive tool for acquiring and developing valid, reliable, and often critical information from people who would otherwise prefer that information not be known.

From a statistical standpoint, during the scope period of this study, 41,057 polygraph examinations were conducted in support of personnel security screening, resulting in 3903 admissions of misconduct, ranging from security violations and failure to disclose foreign contacts to counterintelligence and criminal violations. This data does not include the admissions obtained by NSA because they did not commence automated tracking until after the scope period of this study. NSA reports that during just the five-month period of May 2011 through September 2011, NSA polygraph examiners recorded 1,470 suitability admissions (drug use and sale, theft, child pornography, falsification of forms,

etc) and 85 counterintelligence admissions while administering full scope polygraphs. The vast majority of the admissions elicited by DoD polygraph examiners would have gone undetected were it not for the polygraph process, meaning that the individual had not previously disclosed the misconduct and only did so after a pre-test or post-test interview by the polygraph examiner.

What is difficult to assess is the deterrent effect/value of the polygraph, and our research did not locate any prior, reliable studies delving into that subject. Certainly, at a minimum, the non-empirical argument has been made that the polygraph does have a deterrent effect on at least some, if not many, who would consider some level of misconduct but refrain due to the knowledge that they are in a position that requires initial and/or periodic polygraph testing.

### **3.1 Review and assess the processes used by the nine DoD Polygraph programs concerning applicant and aperiodic screening for security, human resources and adjudication.**

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During our site visits to the nine DoD Polygraph Programs and the 11 DoD CAFs, we reviewed and assessed the current processes and business practices being used for applicant and aperiodic screening.

With regard to applicant testing, only three DoD agencies currently require pre-employment polygraph screening: NSA, DIA and NGA, the latter of which formally commenced its program on October 1, 2011 following a successful pilot project. It is the Study Team's understanding that all major IC agencies now require a pre-employment polygraph. NCIS is considering applicant polygraph screening for its special agent candidates, but has not made a final implementation decision. NSA uses the ESS examination for its applicant screening. DIA and NGA use only the CSP, though both agencies indicated that they would prefer to use both CSP and the ESS. Currently, neither has requested USD(I) authority to employ ESS examinations.

NSA's business practice is that applicants who end their polygraph with SR/NO results without admissions are rescheduled for another polygraph at a future date. The polygraph process will continue until the individual is determined to be NSR, provides disqualifying information, or is no longer sponsored for NSA SCI access.

At DIA, successful completion of the CSP polygraph examination is one of the conditions of employment. If the applicant fails to successfully complete the CSP, then the individual is considered an "unacceptable" security risk and employment with DIA is denied.

NGA's business practice is to generally afford applicants two polygraph testing sessions to successfully complete their pre-employment CSP. The applicant's conditional offer of

employment will be withdrawn if the applicant does not successfully complete the examinations. As previously mentioned, on 1 October, 2011, NGA commenced its applicant polygraph screening program after a successful pilot program which determined that, through the polygraph screening of applicants, information was obtained that was not reported prior to the commencement of employment at NGA, including:

- An individual admitted he provided stolen classified information to a foreign diplomat
- An individual admitted to sabotaging an Army aircraft
- An individual admitted to having classified information at home from a previous employer

A total of 85 potential new hires participated in the NGA pre-employment polygraph study, resulting in 36% of examinations producing new information.

Potential new hires that decline to take the polygraph are denied employment at all three agencies. Additionally, all three agency Polygraph Programs prioritize applicant screening to minimize impact on the agency hiring cycle.

With regard to aperiodic screening, the nine DoD Polygraph Programs administer aperiodic CSP examinations following a request from their respective Security Department. Depending upon the agency, aperiodic CSPs are requested on either a five or seven year cycle. Our assessment is that the aperiodic screening processes being utilized by the DoD Polygraph Programs are efficient and effective.

### **3.2 Identify and assess how the results of polygraph examinations are used in the personal security, law enforcement and counterintelligence programs they support.**

All eleven DoD CAFs are in full compliance with current DoD requirements found in DoDI 5210.91 and the requirement that no unfavorable administrative action has been taken solely on the basis of either a refusal to undergo a PSS examination or an unresolved PSS examination. Interviews of DoD adjudicative and security personnel determined that all were completely conversant on DoD policy regarding proper use of the polygraph and polygraph-derived information and all asserted that no clearance eligibility or access decisions have been based solely upon polygraph chart examination indicating deception, significant response (SR), or no opinion (NO). Further, a random review of DoD CAF adjudicative files containing SR/NO polygraph findings by the Study Team confirmed that no adjudicative or administrative actions were taken solely upon the unresolved polygraph.

Results of PSS examinations with unfavorable results, i.e. SR or NO, are provided to the

adjudication facilities for review and adjudication.

Results of Specific Issue Examinations (SIE) in support of criminal and counterintelligence investigations with SR or NO results are provided to the examinee's Command for review or adjudication. When appropriate, results are also forwarded to the Staff Judge Advocate's Office or the U.S. Attorney General's Office for adjudication. Results of SIE examinations in support of counterintelligence operations are provided to the agency conducting the operation.

### **3.3 Assess if there is a consistent methodology in the handling of examinees who do not complete the screening (aperiodic and applicant) polygraph examination.**

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The handling of examinees that do not successfully complete polygraph testing falls into two categories. The first are individuals with polygraph findings of Significant Response or No Opinion (SR/NO) and who make issue-relevant admissions. The second are individuals with polygraph findings of SR/NO with no admissions. In the first category, it is our assessment, based upon review of current policy/guidance and review of adjudicative files, that there is a consistent methodology in the handling of the examinee, i.e. the CAF utilizes the pre-/post-test admission to make their whole person adjudicative decision or adjudicative action ranging from refrain to a final unfavorable determination.

The vast majority of PSS examinations administered during the scope period ended successfully, with approximately 94% resulting in a final opinion of NSR, and although the precise data does not exist in the DoD Polygraph Programs databases, it is our analysis that a very small percentage of SR/NO exams end without admissions made by the subject. It is in this very small percentage of circumstances, and in particular those situations when the subject is already in access and there is no other issue specific or derogatory information available to the adjudicator, that presents the agency with the challenge of attempting to clear up the subject's unresolved polygraph while at the same time employing sound risk management.

During the course of this study, we polled the CAFs to determine their policies and procedures for PSS cases containing SR/NO polygraph results with no admissions, and three of the responses are provided as follows:

- One CAF offers the individual a second polygraph. If that polygraph is also SR/NO with no admission, then an adjudicator and/or personnel security specialist interviews the individual in an effort to gain additional information to be provided to the polygraph examiner. Any new pertinent information is utilized in a third polygraph. If the result is still SR/NO with no admission, then the individual is placed on a conditional clearance that is not reciprocated between

agencies. The conditional clearance mandates quarterly contact with the Adjudications Branch to ensure that agency reporting requirements are maintained and security practices followed. After a period of four to six months the Adjudications Branch requests the polygraph program to conduct another polygraph examination, broken down into more targeted questions to assist in determining the test problem areas. Until the subject successfully completes the polygraph, the conditional clearance will remain in place with added requirements for coordination with the Adjudications Branch.

- Another CAF's process calls for the individual to be rescheduled for another polygraph examination at a future date. The polygraph process continues until the individual is determined to be NSR, provides disqualifying admissions, or is no longer sponsored for SCI access at the agency. The individual continues to have access during the course of this process.
- Lastly, this CAF, based upon the SR or NO calls to specific CSP questions, refers the case to either the agency's Counterintelligence Division (CID) or the Special Investigations Team (SIT) for review and a detailed interview regarding the subject's inability to successfully complete the CSP test. CID receives a referral on those cases where the subject was SR to involvement with a foreign government or Terrorism, and CID determines the course of action on those cases. SIT receives the referral on the remaining unresolved CSP cases with a request to conduct a detailed interview regarding the subject's inability to complete the CSP process. In either of the above situations, the agency places a temporary code in IC databases to reflect them as a "condition." If CID or SIT are unsuccessful in their attempts to clarify further the cause of the unresolved polygraph (and any additional polygraph testing is also unsuccessful), then the adjudicator recommends to management that the case be closed with the individual remaining in access under "conditional" circumstances.

In the vast majority of the above examples, rarely is the individual's access temporarily suspended during the time that the agency is attempting to resolve the issue(s).

As it relates to pre-employment polygraph examinations, three DoD agencies (NSA, NGA and DIA) utilize the polygraph for pre-employment screening and successful completion is required as a condition of employment. As described in 3.1, there appears to be differing methodologies in the handling of examinees that do not complete the pre-employment polygraph examination. NSA's business practice is that applicants whom end their polygraph with SR/NO results without admissions are rescheduled for another polygraph at a future date and the polygraph process will continue until the individual is determined to be NSR, provides disqualifying information, or is no longer sponsored for NSA SCI access. NGA and DIA's business practice is to generally afford applicants two polygraph testing sessions to successfully complete their pre-employment CSP. The applicant's conditional offer of employment will be withdrawn if the applicant does not



successfully complete the examination.

### **3.4 Review and assess if the oversight mechanisms and quality of the DoD Polygraph Program are sufficient, timely, and of value**

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All DoD Polygraph Programs that administer counterintelligence and criminal specific issue testing have policies regarding a thorough review of the case file to ensure that the investigation is complete and that the issue is resolvable by polygraph. The Program Manager or his designated appointee reviews the case and provides authorization to conduct the polygraph examination. All of the DoD Polygraph Programs have Quality Control (QC) procedures in which senior polygraph examiners conduct thorough reviews of the reports, technical documents, and polygraph charts of the examination to ensure that it was conducted in accordance with NCCA established standards and DoDI 5210.91. The reviews provide timely feedback on polygraph examinations to the administering polygraph examiner. The Polygraph Programs of the NGA and DIA have the capability to monitor and QC polygraph examinations in real time, while they are being administered. All DoD Polygraph Programs have a minimum one-tier QC program; the majority have a two-tier QC program. All DoD Polygraph Programs conduct a 100% QC review and provide timely, judicious feedback to the administering examiner.

The Study Team conducted a thorough review of randomly selected completed polygraph case files from the nine DoD Polygraph Programs. The review found that the appropriate polygraph forms and technical reports, i.e. Consent, Medical, Miranda Rights, technical polygraph forms, relevant question sheets, reports of investigations, etc., are properly utilized and thoroughly complete.

In accordance with DoDI 5210.91, all DoD Polygraph Programs' QC elements except NGA are forwarding polygraph files where confirmed countermeasures were employed by the examinee to the NCCA for ongoing countermeasures awareness, detection training, and research.

Lastly, the OUSD(I) CI Directorate conducts a CI policy oversight assessment that includes a review of each agency's compliance with DoDD 5210.48 and DoDI 5210.91. A spot check of the oversight reporting confirms that it is an effective tool in assessing polygraph program compliance.

### **3.5 Assess if there are standard processes across the DoD Polygraph Program for pre- and post-examination quality assurance.**

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NCCA implemented a Quality Assurance Program (QAP) in 1996 to ensure that all DoD Polygraph Program practices are consistent with DoD policy and federal polygraph standards. The QAP biennial inspection includes a detailed review of a DoD polygraph program's policies and procedures to ensure that each examination conducted utilized proper techniques for approval procedures, test data analysis, test question construction techniques, in-test operations, conduct of quality control, adherence to their program's procedures, the Federal Handbook, maintenance of polygraph examinations and files, and customer survey feedback.

The Study Team reviewed QAP reports of the nine DoD Polygraph Programs for the years 2010 and 2011 at NCCA. The review determined that the Programs comply with NCCA's standardized polygraph procedures as detailed in the Federal Handbook. In accordance with DoDI 5201.91, each Program has established procedures on how they approve, conduct, and report polygraph examination results. The QAP reviews of the technical forms confirmed that they document pertinent technical data including test question format, numerical scores, chart minutes, and pre-/post-test interview times.

Further, a review of the QAP reports determined NCCA did not find any critical problems. As defined by the NCCA, a critical problem occurs when the program fails to meet the standards for 100% QC or consistently allows examiners to conduct sub-standard polygraph examinations.

### **3.6 Assess if the DoD Polygraph Program has properly trained and experienced examiners to conduct the range of polygraph testing required.**

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All DoD polygraph examiners in the nine DoD Polygraph Programs have successfully completed the National Center for Credibility Assessment (NCCA) basic Psychophysiological Detection of Deception (PDD) training program. The course includes 520 hours of classroom and laboratory training. The first seven weeks consist of basic PDD courses on polygraph history, law, and ethics, psychology, physiology, types of polygraph instruments, testing techniques, instrumentation, and chart markings. Students receive a total of 137.5 core hours that deal with pre- and post-test interview techniques, test question construction, and test data analysis. During the eighth week of the course, the class is divided into two tracks: a PDD Intelligence (INTEL) track and PDD Law Enforcement (LE) track. DoD Polygraph Programs select the track best suited

for their polygraph examiners based on the type of polygraph tests their agencies predominantly administer. The 280.5 hours of PDD courses offered during this period of instruction include different testing techniques, test question construction, test data analysis, pre-/post-test interviewing techniques and formats, countermeasure training, and transition and breakdown methodologies unique to their individual tracks. Both tracks receive a total of 102 laboratory hours where they conduct LE and INTEL PDD examinations in a laboratory setting. During the course of their training students are taught different polygraph test formats including Test for Espionage and Sabotage, Modified General Question Technique, Zone Comparison Test, Relevant/Irrelevant, and Law Enforcement Pre-Employment Test.

After graduating from NCCA's basic PDD course, DoD Polygraph Program examiners are required to go through an internship period with their respective Programs. All DoD Polygraph Programs have a minimum six-month internship program in which intern examiners are monitored by a certified DoD polygraph examiner. During their internship, examiners conduct a minimum of 25 polygraph examinations, but most program requirements exceed the minimum 25 examination limit that is required in DoDI 5210.91. The Study Team also collected raw demographic data regarding the number and experience level of the DoD polygraph examiner community. The data shows that the average DoD Polygraph Program Manager has over 17 years of polygraph experience, Quality Control personnel an average of 13 years, and line examiners an average of over seven years.

NCCA offers a Federal Polygraph Continuing Education Program (FPCECP) to enable Federal Polygraph Examiners to remain current with changes in polygraph procedures and practices.

All DoD Polygraph Programs are in compliance with NCCA's mandatory biennial continuing education training program, which includes countermeasure training. During their biennial refresher training, DoD Polygraph Programs are able to select the PDD Intel or PDD LE courses, allowing the examiners to obtain specific training on testing techniques and formats that are unique to their chosen polygraph tracks.

### **3.7 Assess if the DoD Polygraph Program Components are conducting the proper polygraph examinations (criminal, security, CI/HUMINT) that are individually authorized by the U.S. Government and the Department of Defense.**

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The Study Team's assessment, based on our review of responses received from the nine DoD Polygraph Programs and our review of polygraph files at each agency, is that polygraph examinations are being conducted in compliance with authorities that are individually authorized by the U.S. Government and DoD. During the course of our

review at least one agency, DIA, classified one polygraph case as criminal in nature, but it in fact supported a security investigation, e.g. urinalysis. It was noted that DIA conducted four ESS examinations during the scope period, and that NRO conducted five ESS examinations after April 30, 2011.

The Study Team also reviewed the most recent QAP report issued by NCCA for each agency, which determined no instances of a DoD Polygraph Program conducting polygraph examinations outside of their individual authorities.

### **3.8 Assess if the DoD Polygraph Program uses a “best practices” methodology.**

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DoDD 5210.48 directs the Defense Counterintelligence and Human Intelligence Center Polygraph Program Manager to chair the polygraph Integrated Management Group (IMG), formally the Polygraph and Credibility Assessment Program Executive Committee. The IMG, comprised of each of the nine DoD Polygraph Programs, is the primary polygraph working group for meeting, reporting, and sharing community best practices. The IMG Governance, signed by the membership, encourages routine engagement with groups and subject-matter experts outside the polygraph community to advance operational knowledge, improve needed skills, and share best practices. Further, the IMG is an excellent vehicle for the membership to dialog on policy, share knowledge, and advance technical education and best practices.

NCCA also plays a significant role in the collaborative capturing and dissemination of best business practices for the DoD and Federal credibility assessment community, as it is the government’s repository and distributor for credibility assessment techniques, research, training, and technological advances. The 2010 designation of NCCA as a National Center strengthened the partnership of all Federal credibility assessment organizations, has promoted standardization of credibility assessment procedures and, to a certain extent, the identification of best business practices and procedures that are pushed out to and received from the federal credibility assessment community via its academic and continuing education programs.

### **3.9 Assess if the DoD polygraph components have effectively trained and quality controlled the identification of countermeasures used by examinees as a result of the Ana Montes DoD IG lessons learned report.**

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All DoD polygraph examiners receive ten hours of classroom instruction and clinical laboratory exercises on countermeasure (CM) training while attending NCCA’s basic

PDD polygraph examiner's course. All Programs are in compliance with sending their polygraph examiners to the one week advanced CM course within two years of their graduation from NCCA's basic PDD course. The advanced CM course includes in-depth classroom and practical exercises.

DoD polygraph examiners of the nine Polygraph Programs are in compliance with DoDI 5210.91, Enclosure 4, paragraph. 9.a (2) b, which requires all DoD polygraph examiners to receive a minimum of four hours of CM training on a biennial basis. It should be noted that all DoD Polygraph Programs exceed the minimum biennial four-hour block of CM training. On rare occasions, DoD polygraph examiners may receive deferments from the biennial training if they are on an extended out of country deployment.

All DoD Polygraph Programs utilize anti-countermeasure polygraph technology such as Movement Sensor Devices (MSD).

### **3.10 Assess if the DoD Polygraph Program is screening the right people for access to classified information**

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During the course of a meeting held with the OUSD(I) CI Directorate technical customer on October 26, 2011 we were advised that the government did not desire a review of the criteria or factors for the designated positions currently requiring personnel security polygraph screening. Rather the expectation is that the team would assess the current CSP relevant questions and our opinion regarding their applicability to initial/applicant PSS and aperiodic testing. A review of current CSP relevant questions (e.g. terrorism, sabotage, wrongful mishandling/disclosure of classified information, and foreign contacts) revealed they are pertinent questions for employees who are currently or have been previously employed by a Federal Government agency. Not all CSP relevant questions would have meaning to a new hire applicant. The questions relating to terrorism, sabotage, and foreign contacts could have relevance to the applicant, however, the question concerning wrongful mishandling/disclosure of classified information would have no meaning to an applicant who has never dealt with classified information.

Because CSP relevant questions focus on espionage-related activities, the DoD community should consider implementing the ESS test for new hire applicants, to better protect the community from insider threats. Questions used in the ESS test address issues that would identify applicants who have committed unreported crimes (drug usage, theft, etc.) in the past. Applicants who have demonstrated that they are capable of committing crimes could have a propensity to commit crimes (espionage, disclosure of classified information, etc.) after gaining employment with a federal government agency.

### **3.11 Develop and present informational and technical briefings to members of the Counterintelligence, Security, Intelligence, and Law Enforcement community.**

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During the study period, the Study Team developed and presented information and technical briefings to various members of the OUSD(I) and DCHC customers; and, to the PDUSD(I) to inform and solicit direction as required to further the goals of the study. Each presentation provided generalized and specific observations encompassing the current state of polygraph and the use of polygraph results within DoD. The Study Team effectively used the OUSD(I) Counterintelligence Study “action plan.” During the information/data collection phase of the study, the Study Team provided detailed briefings to the numerous DoD agencies, providing them with a clear overview and objectives of the collection effort. In addition, participants in the Study were provided a comprehensive list of questions and areas of discussion that the study intended to address. During the course of the study, thorough Meeting Minutes of all agency visits, telephonic interviews conducted (in lieu of visits) and records review, were prepared and submitted to the government technical clients on the pre-determined schedule. Additional interim and final customer presentations will include comprehensive observations and recommendations presented in a clear and concise manner.

### **3.12 Research issues related to polygraph science and technology, process management and compliance and report findings.**

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The Study Team’s visits and interviews with the nine DoD polygraph Program managers revealed they all utilize modernized polygraph technologies sanctioned by the National Center for Credibility Assessment (NCCA). Anti-countermeasure polygraph technologies validated and recommended for use by the NCCA include MSD. These devices are designed to detect covert physical movements the examinee makes during the in-test phase of the examination. MSD includes chair, seat, foot, and arm sensor pads. NCCA’s Threat Analysis and Strategic Support Branch (TASS) has also developed a headset that an examinee wears and is capable of detecting CM activity in facial movements such as tongue biting, clinching of the jaw, etc. NCCA also provides classes/instructions on how to administer specialized tests (e.g. Yes Test or Concealed Information Tests) that are designed to confirm the presence of CM.

NCCA’s TASS is currently working with their Research Branch in the development of a computer software program (pEXTRACT) that will be able to detect signatures often associated with countermeasures activities. The second stage of this software program is called pPREVIEW. This software is designed to look for the signatures often associated with CM activity. NCCA is presently data testing the software program. After all testing

is completed the program will be distributed to the federal polygraph community for implementation.

A review of QAP inspection reports at the NCCA for the years of 2010 and 2011 disclosed that all nine DoD Polygraph Programs are in compliance with utilizing current polygraph technologies that are recommended by the NCCA.

### **3.13 Assess DoD agencies employing polygraph on matters relating to polygraph process and compliance.**

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Our Study Team determined through visits and reviews of the nine DoD Polygraph Components that all Program Managers have proper procedures and processes to monitor the training and certification of polygraph examiners. Further, the Study Team's assessment is that the DoD Polygraph Program Managers all have processes in place to monitor their individual programs in compliance with the guidance contained in DoDI 5210.91. This opinion is validated by the inspection reporting conducted by NCCA's QAP and the OUSD(I)(CI) Policy Oversight Program.

### **3.14 Advise and assist government-led meetings in identifying which study recommendations should be adopted.**

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During the course of this study we substantially participated in five government-led meetings with our OUSD(I) and DCHC technical customers to review the facts gathered from the 64 interviews and 24 site visits we conducted. We presented comprehensive PowerPoint presentations, each containing our observations to date, and sought customer feedback on questions regarding policy interpretation and evolving recommendations. We actively included the technical customers in the dialogue concerning the formulation of recommendations while at the same time assuring we maintained our independence per the mandate received from the PDUSD(I). We will continue to advise and assist in the government-led meetings which will occur following the government's review of the mid-term report as we continue to refine our observations and develop recommendations that are relevant and actionable. Lastly, we will present our findings during a briefing to the PDUSD(I) and members of his staff during December 2011, utilizing the final observations and recommendations from our written report as the basis for the briefing.

### **3.15 Determine if there are additional policy requirements necessary to adopt and implement the recommendations of the study.**

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We conducted a thorough review of the principal DoD policy documents associated with polygraph and personnel security including DoDD 5210.48 (Polygraph and Credibility Assessment Program), DoDI 5210.91 (Polygraph and Credibility Assessment Procedures), DoDD 5200.2 (DoD Personnel Security Program) and DoD 5200.2-R (Personnel Security Program). Additionally we reviewed the revised draft 5200.2 which will be signed in December 2011 as well as the draft 5200.2M Volumes 1 and 2 to determine language the documents currently have regarding polygraph and the use of polygraph results in personnel security matters. Thereafter we mapped our observations/recommendations to these policy documents to determine what additional policy requirements are required to adopt and implement our recommendations. This resulted in the study team making a series of policy recommendations found in Section III.5 of this report that we believe will improve the quality of the polygraph program and further clarify DoD policy regarding the use of polygraph results.

### **3.16**

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Omitted in the contract

### **3.17 Analyze the impact adopted recommendations will have on DoD agencies, the polygraph community, its resources and its customers.**

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In presenting our major observations and recommendations contained in Section III of this report, we have included an analysis of the impacts the recommendations would have on the DoD agencies, the polygraph community, its resources and its customers. We substantially included our OUSD(I) and DCHC technical customers in constructing our recommendations, with particular focus in determining and addressing their questions regarding resource requirements, methodologies and potential impacts of implementing the recommendations. Our overall analyses of the impacts of our recommendations are as follows:

1. DIA and NRO Directors seek formal authority to conduct ESS examinations: Impact is DIA and NRO will be in compliance with DoDI 5210.91, Enclosure 4, Section 1.(2) c.2, which requires that USD(I) approve exceptions to conduct ESS examinations.
2. DoD Fourth Estate CAFs receive consistent polygraph support: It is our analysis that



the Fourth Estate CAFs will be better positioned and capable to resolve specific-issue cases (such as drug use, foreign contact, etc) by having the polygraph available as a tool in those situations that would necessitate it. It is our initial opinion that no additional polygraph resources will be required to support WHS, DOHA and DISCO since it is estimated that these CAFs would, combined, generate no more than 30 polygraph cases per year.

3. Baseline training for adjudicators on polygraph: Impact will be that DoD adjudicators will gain knowledge and understanding of DoD polygraph policy, terminology, practices and appropriate data entry into JPAS. Our analysis is this will be cost-neutral because the recommended block of instruction would be added to the existing CDSE basic adjudicator course and, according to the CDSE staff, the block of instruction could be added without extending the length of the course.

4. Policy Recommendations:

a. Include parallel guidance contained in the DoDI 5210.91 regarding use of polygraph information in the 5200.2M which will replace DoDD 5200.2-R: Having this information in the Personnel Security Manual will assure DoD security and adjudicative personnel will have ready access to this information within the document they predominately use for training, guidance and reference.

b. Development of standardized risk-management standards on polygraph cases that end in SR/NO with no admissions: Our recommendation to further review and develop a standardized risk-management standards will result in a closer collaboration between the security, counterintelligence and polygraph communities as they seek a consistent, impacting list of options and methodologies to address and mitigate these challenging situations that have insider threat implications.

5. Expanded ESS: It is our understanding from discussions with our OUSD(I) technical customers and via review of DoDI 5210.91 that the USD(I) is authorized to approve requests to augment CSP examinations with the ESS question areas for initial applicants to designated positions, hence there appears to be no required legislative action. If DoD agencies are ultimately authorized to conduct ESS examinations, then it would potentially require additional personnel resources, in the form of additional polygraph examiners, given the fact that ESS examinations take longer to prepare for and administer. Additionally the expanded use of ESS could result in additional adjudicative review time as the volume of potentially derogatory information increases.

6. Our recommendation to include a polygraph component into PERSEREC's RADAR program would require funding for development of the criteria and methodology.

7. JPAS Improvements: Our recommendation to improve and expand the data fields in JPAS and/or DISS will result in the timely submission of accurate and complete polygraph data into DoD's centralized personnel security database and would satisfy a request made by DoD CAF Directors. Funding would be required to amend and

implement the new data fields.

### **3.18 Record Proceedings at Government Led Meetings**

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The Study Team has participated in or led five formal technical customer briefings, providing a targeted summary of the study's deliverables and assurance that the goals of the study were being fulfilled in accordance with the client's needs and schedule. All briefings were undertaken with a commitment to providing a progression of goals for the study, incorporating existing findings and including a course of future collection. Each presentation was offered using detailed power point presentations, affording the client a retrievable document to review or share, as required. Meeting Minutes of all agency visits and data/records collected by the Study Team were made available to the client and other key consumers, in a timely manner.

### **3.19 Assist Outreach and Communications Activities**

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For the full extent of the study period, the Study Team has conducted outreach and communications activities to ensure completeness of the study goals. The Study Team exceeded the initial goals set by the client to visit the key agencies and interview the designated staff of the nine Polygraph Programs and the 11 Consolidated Adjudication Facilities. The Study Team identified a number of secondary entities who were critical in providing and verifying findings for the study. Our briefings from the National Center for Credibility Assessment (NCCA) set the stage for the polygraph program visits and follow-on contacts with polygraph experts, assuring the collection of refined data used in the study. In addition to polygraph and personnel security interviews, the study expanded interviews with the following components: Defense Manpower Data Center, the Defense Information System for Security, DoD Personnel Security Research Center, Office of the Director for National Intelligence (Special Security Directorate), DoD Center for the Development for Security Excellence, and the DoD Special Access Program Central Office. All interviews were documented by a standardized reporting that included the recording of data collected, and the review of agency governance and policies related to polygraph and the Personnel Security Screening process. The Study's written findings were drafted to ensure a thorough review and response to each of the essential goals of the Study. Observations and recommendations related to study findings will include both the polygraph program and the areas of personnel security and adjudication. It has been a common goal to identify compliance with DoD existing policies and identify areas of improvement for the use of polygraph and the more effective use of polygraph results by polygraph programs and personnel security/adjudication.

## Appendix

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### Appendix A: List of Agencies Visited/Interviews

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#### **Air Force Central Adjudication Facility, Fort Meade, MD**

Bradley Himelick, Director (acting)  
Belinda Bugett, Division Chief for Operations (acting)  
Clinton Smith, Special Security Officer

#### **Air Force Polygraph Program, Quantico, VA**

Bryan D. Hoarist, Chief, Polygraph Branch  
Robert "Brian" Hunter, Deputy Chief Polygraph Program Manager

#### **Army Central Clearance Facility, Fort Meade, MD**

Col. Edward J. Fish, USA, Commander  
CWO Christel M. Lopez-Berryman, Chief of Processing  
Linda Robinson, Branch Chief for Adjudication

#### **Army Intelligence Polygraph Program, Fort Belvoir, VA**

Perry V. Taylor, Chief

#### **Defense Counterintelligence and HUMINT Center, Quantico VA**

Blaine Thomas, Branch Chief, Credibility Assessment and TSCM  
Frank Maietta, Deputy Branch Chief, Credibility Assessment

#### **Defense Criminal Investigative Service (DCIS) Headquarters, Arlington, VA**

Duane Bettes, Polygraph Program Manager

#### **Defense Industrial Security Clearance Office, Fort Meade, MD**

Stephen Demarco, Division Chief, Personnel Clearance Division

#### **Defense Intelligence Agency, Clarendon, VA**

Brett Stern, Polygraph Program Manager  
Chris Folchi, Deputy Polygraph Program Manager  
Carl "Bud" Meyers Jr., Deputy Chief, Personnel Security Division

#### **Defense Management Data Center (DMDC), Joint Personnel Adjudication System Team**

Autumn Crawford-Grijalva, Program Manager  
Kelly McKay, Team Member  
Tony Howell, Team Member  
Megan Woolsey, Team Member

**Defense Office of Hearings and Appeals (DOHA), Arlington, VA**

Peregrine Russell-Hunter, Deputy Director  
James Norman, Chief Department Counsel

**Defense Personnel Security Research Center, Monterrey, CA**

Eric Lang, Director

**Department of the Navy Central Adjudication Facility (DoNCAF), Fort Meade, MD**

R. B. Peele, Director  
Pamela Robinson, Deputy Director  
Teresa Sullivan, SSO Navy Personnel Security Specialist

**DoD Center for the Development of Security Excellence, Linthicum, MD**

Denise Humphrey, Deputy Director  
Ms. Pat Mann, Curriculum Manager  
Kimberly Clark, Personnel Security Instructor  
Duane Scott, Supervisory Personnel Security Specialist  
Andrew Reyes, Personnel Security Instructor  
Pete DeCesare, Counterintelligence Curriculum Course Manager  
Walter Hayward, Personnel Security Instructor

**DoD Special Access Program Central Office (SAPCO)**

Thomas Masiello, MGEN USAF, Director  
Stephen Woodall, Chief of Security

**National Center for Credibility Assessment (NCCA), Fort Jackson, SC**

William Norris, Director  
Gary Light, Chief of the Quality Assurance Program  
Sheila Thomas and Ken Morse, QAP Staff  
Donnie Dutton, Chief of the Threat Analysis and Strategic Support Program  
Keith Gaines, Chief of Instruction

**National Geospatial-Intelligence Agency (NGA), Reston VA**

Philip Hardy, Chief, Polygraph Branch  
Brenda Sanders, Chief, Adjudications Branch

**National Reconnaissance Office (NRO), Chantilly, VA**

Michael McMahon, Chief, Polygraph Program Branch  
Earl Jones, Executive Officer and Chief of Quality Assurance  
Gregory Chavez, Operations Officer  
Sharon Durkin, Chief, Personnel Security Division  
Steven Harris, Deputy Chief, Personnel Security Division

**National Security Agency, Fort Meade, MD**

James Hopkins, Chief, Personnel Security  
John Craven, Chief, Adjudications

**Naval Criminal Investigative Service (NCIS) Headquarters, Quantico, VA**  
David Bogue, Polygraph Program Manager

**Office of the Director of National Intelligence**

Michael P. Londregan, Assistant Director, Special Security Directorate  
Charles Sowell, Deputy Assistant Director, Special Security Directorate  
Carrie Wibben, Branch Chief, Special Security Directorate  
Charlotte Singletary, Special Security Training Officer  
Teresa Nankivell, Senior Policy Analyst, Joint Personnel Security Reform Group  
Matthew Burch, Liaison to JPSRG  
Michael Dixon, Scattered Castles Program Manager

**Office of the Joint Chiefs of Staff (JCS) Central Adjudications Facility**

Martine M.R. de Lizza, Chief of Security and Adjudication

**Office of the Under Secretary of Defense for Intelligence (OUSDI)**

Michael Porco, Deputy Director, Counterintelligence Functional Services  
Janice Condo, Division Chief, Personnel Security  
Sheldon Soltis, Program Manager, Defense Information Security System (DISS)

**U.S Army Criminal Investigation Command Headquarters, Quantico, VA**

Emory C. Middleton, Chief, Polygraph Division

**Washington Headquarters Service (WHS) Consolidated Adjudication Facility**

Charleen Wright, Chief, WHS Appeals Board and Security Policy  
Robert Smith, Director, WHS Consolidated Adjudication Facility

## **Appendix B: Polygraph Questionnaire**

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1. What authorities are used by your agency to conduct criminal, counterintelligence issues specific tests and/or CSP or ESS tests?
2. Are all your polygraph examiners in compliance with the National Center for Credibility Assessment (NCCA) training requirements? If not please provide details of non-compliance.
3. Please provide the number of polygraph examiner's in your program: Quality Control and line examiners.
4. Does your PG program notify and provide charts to NCCA on confirmed countermeasure exams?
5. Does your agency use issue-based testing to resolve adjudication matters? If so, what are the criteria for the request?
6. Are CI Inquiries/Investigations opened as a result of CI admissions? If so, what decision criteria does your agency use to support the initiation of an inquiry/investigation (i.e. was it an admission to a minor or major violation)?
7. When does your organization use an advisement of rights? If so, is an advisement of rights obtained in writing; if so describe at what stage in the process they are administered. If the examinee makes an admission/confession is he provided a cleansing warning prior to being advised of their rights?
8. Does your program conduct criminal or counterintelligence issue specific polygraph examinations in support of investigations?
9. What is your agency's definition of a Counterintelligence Admission and Security Admission?
10. What is your polygraph program's definition of a "completed test?"
11. What is the process and policy for your program when an examinee makes an admission to a comparison question?
12. If admissions are obtained from the relevant questions, what actions are taken after

an admission is made?

13. Are confirmation examinations conducted to resolve admissions made during the polygraph testing process?
14. How the results of polygraph testing are documented, i.e. what data systems are they entered into.
15. Describe your polygraph Quality Control Program and provide related instructions and agency policy.
16. Within your program are all of your examiners in compliance with existing Federal polygraph continuing education certification program standards.
17. Identify any program shortfalls, faults and recommendations.
18. What type of testing techniques to does your program use?
19. Could you provide blank copies of your technical reports (i.e. tech/stat data), PDD examination/consent waiver, medical waivers, and consent and declination to undergo CSP examination waivers.
20. What is your QC process? After the administering examiner evaluates the exam how many other evaluations are done on the charts and by whom in your program?
21. For the time period of May 1, 2010 – April 30, 2011, how many polygraphs were conducted in each of the following categories:
  - CI
  - LE
  - Security
    - Personnel Security Investigation (PSI)/Adjudication
    - Access

Within each of the above categories determine how many were DI, NDI, NO, SR and NSR. The Study Team requests that you randomly select 15 SR polygraph files and 15 NO polygraph files from “completed” polygraph exams, and provide them to the Team for review during the visit.

## **Appendix C: Adjudication Questionnaire**

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1. Is there a "standardized" DoD instruction/policy that governs how polygraph results will be used by adjudicators in making security clearance determinations?
2. Does your adjudication facility have internal policies/procedures (desk reference guidance) on how polygraph results are to be administered in adjudicative decisions? If so, please provide copies to the study team.
3. When and how are polygraph results used in the adjudication process?
4. Do your adjudicators have a process in place whereby they can request a CI investigation and/or polygraph if they deem necessary?
5. Does the CDSE Academy instruct your adjudicators, either in the basic or advanced courses, on how polygraph results are to be considered in the adjudication process, or how they can request a polygraph examination when they deem appropriate.
6. Do you conduct any internal training for your adjudicators regarding any aspect of the polygraph? If so, please provide the appropriate syllabus material.
7. Are you aware of any situations where an individual's security clearance has been denied solely based upon the result of a polygraph during the timeframe from 1 May 2010 – 30 April 2011? If so, please provide the case file identification.
8. Are you aware of any situations where an individual has appealed a denial, suspension and/or termination of their security clearance eligibility or access as the result of a polygraph finding?
9. What recommendations/suggestions do you have with regard to this study, i.e. policy gaps, training, etc?
10. Describe polygraph result reporting to adjudication. Does Adjudication get polygraph summary reports or do they receive reports providing all examinee admissions (pre/post test)?
11. What is your opinion regarding the sufficiency of JPAS and/or SCATTERED CASTLES regarding the reporting of polygraph information?
12. Describe the impact to your CAF, if any, which occurred as the result of DSS ceasing its polygraph program in 2005?



13. Does your agency use the polygraph for pre-employment purposes? If so, what is your agency's policy regarding those applicants whom are unable to successfully complete the polygraph, particularly those whom do not make admissions?
  
14. In your opinion, are there additional policy requirements necessary for polygraph or the use of polygraph results?

## **Appendix D: Definitions**

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Certification. A formal and structured process to ensure that polygraph examiners and PCASS operators meet and maintain all necessary qualifications, receive the required formal instruction, training, and mentorship, and demonstrate technical proficiency to conduct PCA examinations on behalf of their DoD Component.

Countermeasures. Those strategies employed by examinees to affect PCA testing by the intentional application of physical, mental, pharmacological, or behavioral tactics.

Completed Examination. A polygraph examination that has been administered and the final results forwarded to the examinee's Command and/or their respective adjudication facility for review.

Counterintelligence admission. Admissions involving intentional acts of espionage, sabotage, and terrorist activities.

CSP. A screening polygraph examination that uses relevant questions limited to prescribed CI issues.

DI. An unfavorable opinion regarding the outcome of an issue-based polygraph examination based upon test data analysis for at least one relevant question in a completed test series.

ESS. An examination that includes the questions from a CSP polygraph and questions related to falsification of security forms, involvement with illegal drugs, and criminal activity. Previously known as full scope polygraph.

Full Scope Polygraph: A polygraph examination that includes CSP and ESS questions.

NDI. A favorable opinion regarding the outcome of an issue-based polygraph examination based upon test data analysis for all the relevant questions in a completed test series.

NO. An opinion regarding the outcome of a polygraph or PCASS test series, or overall examination result, when there is insufficient physiological data for conclusive test data analysis. For statistical purposes, a case may be considered as a NO when an examinee withdraws consent to undergo testing before physiological data can be obtained.

NSR. A favorable opinion regarding the outcome of a security screening polygraph or PCASS examination based upon test data analysis for all the relevant questions in a completed test series.

PCA. The overarching term covering programs, research, training, and procedures that employ technologies to assess an individual's truthfulness with the aid of technical devices that measure physiological data or behavioral activity.

PSS. Examinations administered to assist in determining initial eligibility or continued access to sensitive duties or information.

QA. An oversight process conducted by NCCA designed to maintain ethical, professional, and technical standards consistent with this Instruction.

QC. A detailed review of individual PCA examinations to ensure each was conducted within standards prescribed by NCCA and this Instruction.

Relevant question. A question pertaining directly to the matter for which the examinee is being tested.

Response. The physiological change to the applied stimulus.

Security admission. Admissions of security violations such as issues such as failure follow established guidelines for protecting and handling classified information, and failure to report foreign contacts.

Significant Response. An unfavorable opinion regarding the outcome of a security screening polygraph or PCASS examination based upon test data analysis for at least one relevant question in a completed test series.

## Appendix E: Acronyms

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AIPP:	Army Intelligence Polygraph Program
AFCAF:	Air Force Central Adjudication Facility
AFOSI:	Air Force Office of Special Investigations
CAF:	Central Adjudication Facility
CDSE:	DoD Center for the Development of Security Excellence
CI:	Counterintelligence
CIA:	Central Intelligence Agency
CM:	Countermeasures
CSP:	Counterintelligence Scope Polygraph
CT:	Counterterrorism
DCHC:	Defense Counterintelligence and Human Intelligence Center
DCII:	Defense Central Index of Investigations
DCIS:	Defense Criminal Investigative Service
DI:	Deception Indicated
DIA:	Defense Intelligence Agency
DIACAF:	Defense Intelligence Agency Consolidation Adjudication Facility
DIACAP:	Defense Intelligence Agency Credibility Assessment Program
DISCO:	Defense Industrial Security Clearance Office
DISS:	Defense Information Security System
DMDC:	Defense Manpower Data Center
DoD:	Department of Defense
DoDD:	Department of Defense Directive
DoDI:	Department of Defense Instruction

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DOHA: Defense Office of Hearing and Appeals  
DONCAF: Department of Navy Central Adjudication Facility  
DSS: Defense Security Service  
ESS: Expanded Scope Screening  
HUMINT: Human intelligence  
IC: Intelligence Community  
JCSCAF: Joint Chief of Staff Central Adjudication Facility  
JPAS: Joint Personnel Adjudication System  
JPSRG: Joint Personnel Security Reform Group  
JSCAF: Joint Staff Central Adjudication Facility  
JWICS: Joint Worldwide Intelligence Communications System  
LE: Law Enforcement  
MCIO: Military Criminal Investigations Organizations  
NCCA: National Center for Credibility Assessment  
NCIS: Naval Criminal Investigative Service  
NDI: No Deception Indicated  
NGA: National Geospatial- Intelligence Agency  
NO: No Opinion  
NRO: National Reconnaissance Office  
NSA: National Security Agency  
NSA/CSS: National Security Agency/Central Security Service  
NSR: No Significant Response  
OSD: Office of the Secretary of Defense  
PCA: Polygraph and Credibility Assessment  
PDD: Psychophysiological Detection of Deception

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PERSEREC: Personnel Security Research Center  
PSI: Personnel Security Investigations  
PSS: Personnel Security Screening  
QA: Quality Assurance  
QAP: Quality Assurance Program  
QC: Quality Control  
RADAR: Review of Adjudication Documentation, Accuracy and Rational  
SAP: Special Access Program  
SCI: Sensitive Compartmented Information  
SOP: Standard Operating Procedures  
SR: Significant Response  
SSD: Special Security Directorate (Office of the Director of National Intelligence)  
USD(I): Under Secretary of Defense for Intelligence  
USACID: U.S. Army Criminal Investigation Division  
WHS: Washington Headquarters Service

**Appendix F: Figures****Figure 1: Number of Examinations per DoD Polygraph Program**  
May 1, 2010 – April 30, 2011

Program	CSP/ESS	CI/Ops	Crim	PSI/Adj.	Total Examinations
AIPP	4,709	403	0	1	5,113
AFOSI	4,384	161	154	0	4,699
CID	0	0	1,193	0	1,193
DCIS	11	0	12	0	23
DIA	5,200	8	1	2	5,211
NGA	3,126	0	0	0	3,126
NRO	8,233	0	0	171	8,404
NSA	10,813	0	0	11	10,824
NCIS	4,396	268	177	0	4,841
Total:	40,872	840	1537	185	43,434
% of Total:	94.1%	1.93%	3.54%	0.43%	-

**Figure 2: Polygraph Examination Results**

May 1, 2010 – April 30, 2011

Prog.	CSP/ESS			CI/Ops			Crim			PSI/ADJ		
	NSR	SR	NO	DI	NDI	NO	DI	NDI	NO	NDI	DI	NO
<b>AIPP</b>	4571 97.0%	29 0.61%	109 2.31%	108 26.7%	250 62.0%	45 11.1%	0 0.00%	0 0.00%	0 0.00%	1 100%	0 0.00%	0 0.00%
<b>AFOSI</b>	4281 97.6%	41 0.93%	62 1.41%	40 24.8%	98 60.8%	23 14.2%	43 27.9%	91 59.0%	20 12.9%	0 0.00%	0 0.00%	0 0.00%
<b>CID</b>	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	720 60.3%	199 16.6%	274 22.9%	0 0.00%	0 0.00%	0 0.00%
<b>DCIS</b>	11 100%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	4 33.3%	6 50.0%	2 16.6%	0 0.00%	0 0.00%	0 0.00%
<b>DIA</b>	4658 89.5%	134 2.57%	408 7.84%	1 12.5%	6 75.0%	1 12.5%	1 100%	0 0.00%	0 0.00%	1 50.0%	1 50.0%	0 0.00%
<b>NGA</b>	2910 93.0%	72 2.30%	144 4.60%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%
<b>NRO<sup>1</sup></b>	7976 96.8%	132 1.60%	125 1.52%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	122 71.3%	24 14.0%	25 14.6%
<b>NSA<sup>2</sup></b>	9781 90.4%	59 0.55%	973 9.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	11 100%	0 0.00%	0 0.00%
<b>NCIS<sup>3</sup></b>	4366 99.7%	9 0.21%	2 0.05%	59 23.0%	170 66.4%	27 10.5%	59 41.2%	67 46.8%	17 11.8%	0 0.00%	0 0.00%	0 0.00%
<b>Total:</b>	38554 94.3%	476 1.17%	1823 4.46%	208 25.1%	524 63.2%	96 11.6%	827 55.0%	363 24.1%	313 20.8%	135 72.9%	25 13.5%	25 13.5%

<sup>1</sup> The figure quoted by the NRO includes Security or potential CI Incident Driven examinations.

<sup>2</sup> NSA did not provide absolute numbers for examination results, but did provide percentages. The numbers in this chart are extrapolated from the absolute number of examinations and the given percentages.

<sup>3</sup> NCIS: Variances in the number of total exams in Figure 1 and the total exam results in Figure 2 are due to examinations that have been approved but not yet been administered or completed.



### Figure 3: Experience Level of DoD Polygraph Examiners

