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NATIONAL RECONNAISSANCE OFFICE

OFFICE OF INSPECTOR GENERAL

FINAL REPORT

(U) SPECIAL REVIEW OF THE NRO POLYGRAPH PROGRAM

Project Number 2012-006 S

31 March 2014

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NATIONAL RECONNAISSANCE OFFICE

*Office of Inspector General
14675 Lee Road
Chantilly, VA 20151-1715*



31 March 2014

MEMORANDUM FOR DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
PRINCIPAL, DEPUTY DIRECTOR, NATIONAL RECONNAISSANCE
OFFICE
DEPUTY DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
DIRECTOR, OFFICE OF SECURITY AND COUNTERINTELLIGENCE

SUBJECT: (U) Final Report: Special Review of the NRO Polygraph
Program (Project Number 2012-006 S)

(U//~~FOUO~~) The National Reconnaissance Office (NRO) Office of
Inspector General (OIG) conducted a *Special Review of the NRO
Polygraph Program*. I am providing this report for your information
and implementation of the recommendations. In response to each
recommendation, the designated offices are required to describe recent
actions taken or planned and the estimated completion date. Please
provide your written response to [REDACTED] the OIG Follow-up
Administrator, by 21 April 2014.

(U//~~FOUO~~) I appreciate the courtesies extended to my staff
during this special review. Please direct any questions you may have
regarding this special review to [REDACTED] Assistant
Inspector General for Inspections, at [REDACTED] (secure).


Nancy Bloomberg
Acting Inspector General

Attachment:
(U) Special Review of the NRO
Polygraph Program
(Project Number 2012-006 S) (U//~~FOUO~~)



**(U) NATIONAL RECONNAISSANCE OFFICE
OFFICE OF INSPECTOR GENERAL**

(U) Special Review of the NRO Polygraph Program

(Project Number 2012-006 S)

(U) EXECUTIVE SUMMARY

(U) INTRODUCTION

(U) The National Reconnaissance Office (NRO) Office of Inspector General (OIG) conducted a special review of the NRO Polygraph Program at the request of the Director, NRO (DNRO). The DNRO made her request in response to newspaper articles released by the McClatchy news service; the key articles are included in Appendix C. The primary allegations from the McClatchy articles asserted that the NRO Polygraph Program was pushing ethical and possibly legal boundaries by

- pressuring its polygraph examiners to “summon” employees and “job applicants” for multiple polygraph tests to ask about a wide array of personal behavior,
- altering test results to justify more probing of employees’ and applicants’ private lives, and
- establishing a system that tracks the number of admissions¹ to use in the polygraph examiner annual performance reviews and award determinations (cash bonuses).

We did not limit our review to the allegations. Instead, we conducted an expanded assessment of the overall NRO Polygraph Program and its role in the personnel screening process. Specifically, we evaluated the overall administration and execution of the NRO Polygraph Program.² We also assessed program compliance with applicable external authorities.

(U) BACKGROUND

(U//~~FOUO~~) The NRO is a hybrid organization with a workforce composed of Central Intelligence Agency (CIA) officers, Department of Defense (DoD) military and civilian staff, and an extensive contractor population. The Director of National Intelligence (DNI) delegates to the head of each Intelligence Community (IC) element, including the DNRO, the authority to grant Sensitive Compartmented Information (SCI) access to members of their workforce in accordance with Intelligence Community Directive (ICD)-704. The NRO is unique because the DNRO is not responsible for granting SCI access to the entire workforce. The CIA officers

¹ (U) The McClatchy articles used terms such as “personal confessions,” “confessions,” and “Code 55” information interchangeably with the term “admissions.”

² (U//~~FOUO~~) The McClatchy articles also alleged that the NRO failed to report admissions involving major criminal activity gathered through polygraph examinations. The NRO OIG recused itself from reviewing this allegation because of its involvement in making criminal referrals to appropriate law enforcement organizations. Instead, the NRO OIG referred this allegation to the Intelligence Community (IC) Inspector General (IG) for a separate review of the NRO’s crimes referral process.

assigned to the NRO are vetted using the CIA security process, which includes an Expanded Scope Screening (ESS)³ examination before gaining access. The DNRO is responsible for determining eligibility for access to SCI for DoD personnel and contractors,⁴ and grants access in accordance with DoD and DNI national security policy, directives, and guidance. The DNRO has mandated, through NRO Directive (ND) 100-1, *NRO Polygraph Program*, the use of polygraph examinations as part of the security vetting process for granting access. The DoD authorizes the NRO to conduct Counterintelligence Scope Polygraphs (CSP) and Specific Issue Polygraphs (SIP)⁵ as part of the initial⁶ vetting process for its DoD and contractor workforce.

~~(U//FOUO)~~ The DNRO delegates the responsibility for determining whether to grant an individual access to NRO classified information and systems to the NRO Office of Security and Counterintelligence (OS&CI). This responsibility is executed through the OS&CI, Personnel Security Division (PSD). Within the PSD, Adjudications Branch (AB) officials include polygraph examinations in conjunction with background investigations, records review, and other investigative methods to make a "risk-based" decision on whether to grant an individual SCI access. When a polygraph examination is requested, PSD's Polygraph Management Branch (PMB) will schedule and conduct the exam. Prior to taking a polygraph exam, each applicant is required to sign a polygraph consent form. Refusal to sign this form will prohibit the applicant from taking the polygraph test and disqualify the applicant from being considered for SCI access. While results from polygraph examinations are an important investigative tool for determining access, they cannot be utilized as the sole basis for an adjudicative decision on whether or not to grant an individual SCI access.

~~(U//FOUO)~~ The basic purpose of an NRO polygraph examination is to determine whether an examinee is withholding information regarding his or her possible involvement in a variety of counterintelligence issues. The examiner attempts to assist an examinee in distinguishing between concerns that may be relevant to the scope of the examination and those that are possibly unrelated. Under the concept of "psychological set," an examinee places his or her primary focus on those issues he or she is most concerned about regarding personal security processing. These concerns may cause an examinee to deliberately withhold information, even if it is unrelated to the formal test questions. As a result, an examinee may silently focus on this withheld and potentially irrelevant information instead of on the subject of relevant test questions during the examination. This internal conflict about irrelevant issues may cause an examinee to

³ (U) The *Federal Psychophysiological Detection of Deception (Polygraph) Examiner Handbook* (the "Polygraph Examiner Handbook"), is a federal handbook designed to promote the consistent execution of polygraph procedures, whenever possible. The procedures in the Polygraph Examiner Handbook detail polygraph as taught by National Center for Credibility Assessments (NCCA). The Polygraph Examiner Handbook defines a Counterintelligence Scope Polygraph (CSP) as a limited scope screening examination administered to detect and deter espionage, security breaches, sabotage, or other acts against the federal government. According to the Polygraph Examiner Handbook, an ESS polygraph examination addresses the CSP topics plus life-style issues such as an individual's involvement in serious crime, use of illegal drugs, and tests for falsification of application forms.

⁴ ~~(U//FOUO)~~ As of 18 November 2013, there are [REDACTED] U.S. government personnel (civilian and military) currently in NRO SCI access. In contrast, there are [REDACTED] contractors currently in NRO SCI access.

⁵ (U) The Polygraph Examiner Handbook defines an SIP as a polygraph examination conducted to resolve a specific issue to include issues developed in connection with a personnel security investigation or related adjudication.

⁶ (U) This review did not address the reinvestigation process or reinvestigation polygraphs conducted on a periodic basis subsequent to granting access to an individual.

resolve certain counterintelligence topics in the examination unsuccessfully. In distinguishing between the concerns and gauging psychological set, examiners take into consideration that

- [REDACTED]
- [REDACTED]
- [REDACTED]

(U//~~FOUO~~) Once an examinee discloses his or her concerns to the examiner, personal anxiety is typically lowered, thereby enabling the examinee to effectively shift his or her focus to the relevant topics in the formal exam questions. Therefore, a critical component of the exam may include the examiner appropriately addressing any sensitive examinee issues that are potentially distracting to the examinee and that commonly have little or no relevance to the scope of the exam.

(U) RESULTS IN BRIEF

(U//~~FOUO~~) We found significant shortcomings in the administration and execution of the NRO Polygraph Program that may result in potential negative national security implications originating at the NRO. These implications result from NRO personnel being granted access to classified information and systems without having undergone required polygraph testing in a timely manner, as well as deficiencies in the execution of polygraph examinations within PMB. We found that

- vague NRO policy has led to the inadequate execution of the DNRO polygraph mandate. Although NRO policy provides some latitude to delay the timing of the polygraph exam based on resource availability and prioritization, we specifically found that
 - over [REDACTED] individuals with either current or previous NRO access never underwent a polygraph examination as part of their initial security processing and,⁷

⁷ (U//~~FOUO~~) PMB management noted a shift in resources in 2006 to address the then existing "initial" backlog of approximately [REDACTED] cases; notwithstanding, as of October 2013, over [REDACTED] individuals currently in access still have not received their initial polygraph examination. Further, by shifting resources in such a manner, the "periodic" caseload (cases which are conducted on a recurring basis subsequent to an individual being granted access) has increased to over [REDACTED] during this same time.

- of these, we found over [REDACTED] individuals who had not undergone a polygraph examination within one year of their receipt of NRO access. Furthermore, our review of 57 cases identified four individuals who had not undergone a polygraph examination during initial processing, and later, when they were eventually tested, these four individuals admitted to having viewed child pornography.
- NRO examiners conduct polygraph examinations in an inconsistent manner. In our review, we identified material inconsistencies in examiner approaches including examiners improperly raising issues not within the scope of the test, inadequate follow-up to examinee admissions,⁸ and variations in the use of general appeals.⁹

(U//~~FOUO~~) These shortfalls diminish the integrity of the NRO Polygraph Program and may cast uncertainty into particular test results. The program's shortfalls may also foster potentially detrimental reliance on its results by IC partners absent their awareness of the program's deficiencies. In contrast, the organizations that do not use the polygraph to vet individuals for SCI access, expressly inform the IC that polygraph processing is not utilized in its respective personnel security screening.

(U//~~FOUO~~) The current state of the NRO Polygraph Program has been established and perpetuated by, among other things,

- lack of a risk-based approach to prioritize examinees for polygraph testing;
- lack of clearly defined federal and DoD polygraph standards, and NRO operating guidance;
- long-standing ideological clash between the DoD and the CIA examiners;
- limited examiner training;
- confrontational PMB management;¹⁰ and
- reductions in the number of examiners over recent years.

In light of the incomplete federal and DoD standards regarding out-of-scope admissions and use of general appeals, we assessed only the impact of these standards in the execution of polygraph examinations at NRO.

(U//~~FOUO~~) Finally, while we concluded that the McClatchy allegations were generally presented out of context, we found factors that contributed to the perceptions identified in the articles. For example, certain examiners resisted follow-up on examinee admissions that they

⁸ (U) These questions provide the necessary detail required to develop a complete response to admissions made by an examinee. Without appropriate follow-up, admissions can be incomplete or offered out of context for intelligence and/or adjudication purposes.

⁹ (U) A general appeal is an intentionally broad question designed to provide the examinee an opportunity to discuss any concerns that he/she may have coming into the polygraph examination, regardless of whether or not such concerns relate directly to the issues involved in the formal scope of the scheduled test. An example of a general appeal would be "What concerns do you have that you would like to discuss before we begin testing?"

¹⁰ (U//~~FOUO~~) More specific concerns regarding the NRO Polygraph Program work environment are contained in Appendix G: Limited Distribution – Management Concern.

considered outside the scope of the examination. Since the federal and the DoD polygraph standards do not address examiner follow-up on out-of-scope admissions, these examiners perceived that PMB management was unethically requesting that they obtain details on the employees' or applicants' private lives. Additionally, we found that certain examiners perceived pressure to garner more admissions since (1) a specific performance objective focused on admission numbers was included in their annual performance plans, and (2) PMB managers tracked the number of admissions reported. While our analysis of recent DoD examiner appraisals indicated a link between admission numbers and this examiner performance objective rating, through benchmarking, we found other organizations utilize a similar appraisal practice. Meanwhile, our review found no link between the number of admissions collected and award determinations. We also found that certain examinees underwent multiple polygraph examinations but this was largely due to inefficient testing practices, rather than as an intentional approach by PMB to inquire and track applicant personal behavior, as the McClatchy articles alleged. Lastly, we found no evidence of PMB altering test results to justify more probing of employees. Concerns noted regarding these McClatchy article issues are recognized and addressed, where appropriate, in this report.

(U) SUMMARY OF RECOMMENDATIONS

(U//~~FOUO~~) To address the aforementioned findings, we included eight recommendations for Director, OS&CI. The recommendations are aimed at improving existing policy and operating guidance, enhancing in-house polygraph training, and re-evaluating measures used for polygraph examiner appraisals.

(U) MANAGEMENT COMMENTS

(U//~~FOUO~~) The Director, OS&CI reviewed a draft of this report and concurred with all eight recommendations. OS&CI has instituted, or agreed to initiate, corrective action for each of the respective recommendations. Additionally, OS&CI provided comments pertaining to several areas of the review. See Appendix H for detailed Management Comments from OS&CI.

(U) OIG RESPONSE TO MANAGEMENT COMMENTS

(U//~~FOUO~~) The OIG commends OS&CI on its ongoing and planned corrective action, and looks forward to working with them to improve this critical NRO Program. While the OIG will not address each of OS&CI's comments, we are compelled to address the remarks regarding the review's scope, methodology, and objectivity. See Appendix I for the detailed response. Additionally, since OS&CI submitted management comments, the OIG refined this report and made further adjustments.

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**(U) NATIONAL RECONNAISSANCE OFFICE
OFFICE OF INSPECTOR GENERAL**

**(U) Special Review of the NRO Polygraph Program
(Project Number 2012-006 S)**

(U) INTRODUCTION

(U) The National Reconnaissance Office (NRO) Office of Inspector General (OIG) conducted a special review of the NRO Polygraph Program at the request of the Director, NRO (DNRO). The DNRO made her request in response to newspaper articles released by the McClatchy news service; the key articles are included in Appendix C. The primary allegations from the McClatchy articles asserted that the NRO Polygraph Program was pushing ethical and possibly legal boundaries by

- pressuring its polygraph examiners to “summon” employees and “job applicants” for multiple polygraph tests to ask about a wide array of personal behavior;
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We did not limit our review to the McClatchy allegations; instead, we conducted an expanded assessment of the overall NRO Polygraph Program. Specifically, the objective of this special review was to evaluate the overall administration and execution of the NRO Polygraph Program.² We also assessed program compliance with applicable external authorities.

(U) BACKGROUND

~~(U//FOUO)~~ The NRO is a hybrid organization with a workforce composed of Central Intelligence Agency (CIA) officers, Department of Defense (DoD) military and civilian staff, and an extensive contractor population. The Director of National Intelligence (DNI) delegates to the head of each Intelligence Community (IC) element, including the DNRO, the authority to grant Sensitive Compartmented Information (SCI) access to members of their workforce in accordance with Intelligence Community Directive (ICD)-704. The NRO is unique because the DNRO is not responsible for granting SCI access to the entire workforce. The CIA officers who are assigned to the NRO are vetted using the CIA security process. The DNRO is responsible for

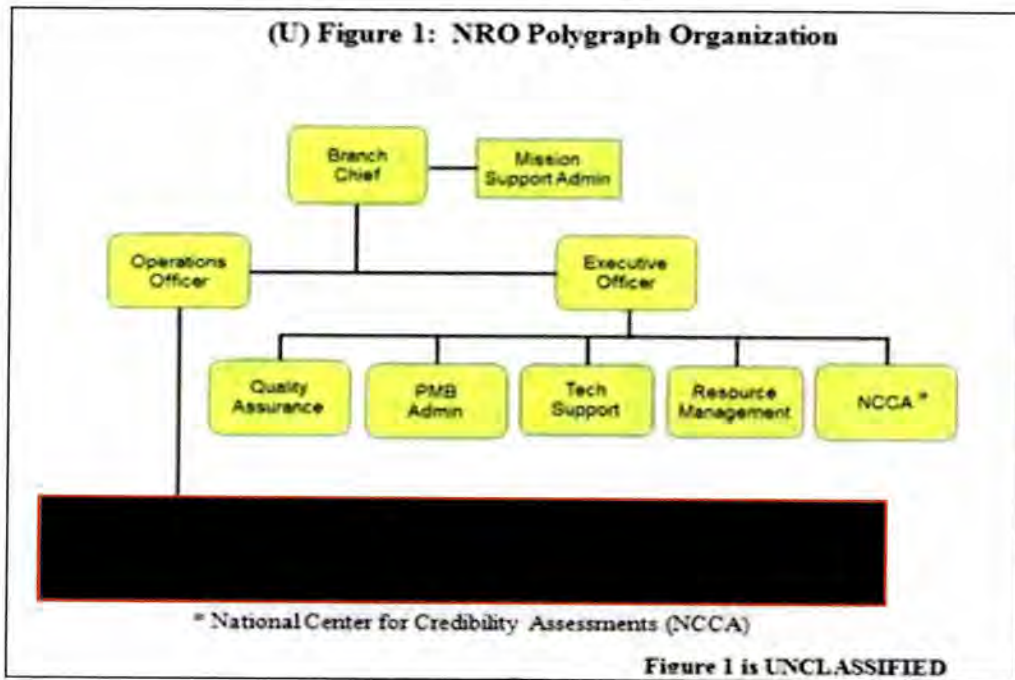
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determining eligibility for SCI access for DoD personnel and contractors,³ and grants access in accordance with DoD and DNI national security policy, directives, and guidance. The DNRO has mandated, through NRO Directive (ND) 100-1, *NRO Polygraph Program*, the use of polygraph examinations as part of the security vetting process as an additional investigative tool for all personnel who have access to NRO SCI.⁴

(U) NRO Polygraph Program

~~(U//FOUO)~~ The DNRO delegates responsibility for granting individual SCI access to the Director, Office of Security and Counterintelligence (OS&CI). The OS&CI executes this responsibility through its Personnel Security Division (PSD). Within the PSD, Adjudications Branch (AB) officials use polygraph examinations in conjunction with background investigations, records review, and other investigative sources and methods to make a “risk-based” decision on whether or not to grant an individual access to SCI. The PSD Polygraph Management Branch (PMB) oversees the NRO Polygraph Program, and manages the timing and scheduling of polygraph examinations. PMB is staffed with examiners from both the CIA and the DoD. The examiners are located in five domestic field offices. The PMB organizational structure is exhibited in Figure 1.



³ ~~(U//FOUO)~~ As of 18 November 2013, there are [redacted] U.S. government personnel (civilian and military) currently in NRO SCI access. In contrast, there are [redacted] contractors currently in NRO SCI access.

⁴ (U) This review did not address the reinvestigation process or reinvestigation polygraphs conducted on a periodic basis subsequent to an individual being granted access.

(U//~~FOUO~~) As a DoD element, the Under Secretary of Defense for Intelligence (USD(I)) authorizes the NRO to conduct Counterintelligence Scope Polygraph (CSP)⁵ examinations for personnel screening. The USD(I) also authorizes the NRO to administer Specific Issue Polygraph (SIP)⁶ examinations. However, appropriate adjudications personnel must authorize SIP examinations, the examinee must consent to the exam, and the examination questions are limited to the specific issue of concern. With the exception of a few case-by-case examinations, the USD(I) has not authorized the NRO to conduct Expanded Scope Screening (ESS) examinations⁷ for personnel screening. However, a USD(I) official stated that if the NRO requested the authority to conduct ESS exams for its regular personnel screening, the USD(I) would likely approve the request.⁸

(U) Polygraph Examination Process⁹

(U//~~FOUO~~) The basic purpose of an NRO polygraph examination is to determine whether an examinee is withholding information regarding his or her possible involvement in a variety of counterintelligence issues. The examiner attempts to assist an examinee in distinguishing between concerns that may be relevant to the scope of the examination and those that are possibly unrelated. Under the concept of “psychological set,” examinees place their primary focus on those issues they are most concerned about regarding their security processing. These concerns may cause some examinees to deliberately withhold information, even if it is unrelated to the formal test questions. As a result, examinees may silently focus on this withheld and potentially irrelevant information instead of on the subject of relevant test questions during the examination. This internal conflict about irrelevant issues may cause an examinee to unsuccessfully resolve certain counterintelligence topics in the examination. In distinguishing between the concerns and gauging psychological set, examiners take into consideration that

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⁵ (U) The *Federal Psychophysiological Detection of Deception Polygraph Examiner Handbook* (the “Polygraph Examiner Handbook”) is a federal handbook designed to promote the consistent execution of polygraph procedures, whenever possible. The procedures in the Handbook detail polygraph as taught by National Center for Credibility Assessments (NCCA). The Polygraph Examiner Handbook defines a CSP as a limited scope screening examination administered to detect and deter espionage, security breaches, sabotage, or other acts against the federal government.

⁶ (U) The Polygraph Examiner Handbook defines SIPs as polygraph examinations conducted to resolve a specific issue to include issues developed in connection with a personnel security investigation or related adjudication.

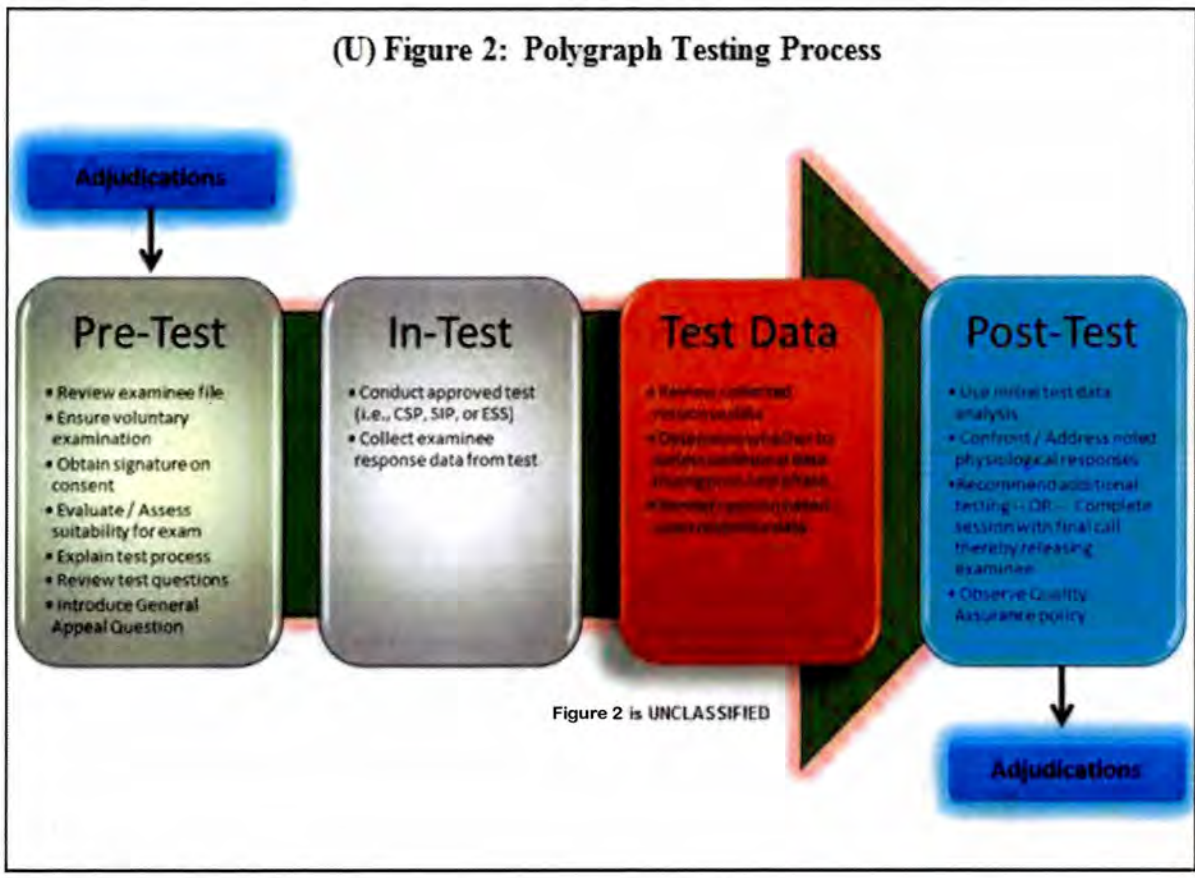
⁷ (U) According to the Polygraph Examiner Handbook, an ESS polygraph examination addresses the CSP topics plus life-style issues such as an individual’s involvement in serious crime, use of illegal drugs, and tests for falsification of application forms. Members of the CIA must undergo ESS examinations as a condition of employment.

⁸ (U) For example, in 2005, the USD(I) authorized the Defense Intelligence Agency (DIA) to conduct ESS examinations for its employees being assigned to the CIA.

⁹ (U//~~FOUO~~) Members of the NRO OIG Special Review team with significant polygraph training and experience authored the Appendix D: Limited Distribution – Background Supplement on Polygraph Tradecraft. Undersecretary of Defense for Intelligence (USD(I)) polygraph personnel reviewed the appendix for accuracy and concurred with its content. The information contained in this section is derived from that appendix.

- [REDACTED]
- [REDACTED]

(U//~~FOUO~~) The polygraph examination process entails a series of sequential interactions between the examiner and examinee. These include the pre-test interview; the in-test phase, which uses a polygraph instrument to collect physiological data from the examinee while presenting a series of exam questions; test data analysis; and the post-test phase, as necessary. Figure 2 provides specifics on each phase of the process.



(U) Pre-Test Interview

(U//~~FOUO~~) The “pre-test” interview addresses preliminary administrative matters (e.g., verification of examinee identity, explanation of test, determination that the examinee is physically and mentally capable of taking the test) and involves a discussion regarding any examinee concerns. The examiner may present a broad question such as “is there anything that you would like to discuss before we get started?” This is one example of a “general appeal” question. This question provides an examinee the opportunity to discuss any concerns, whether

relevant to the formal test examination questions or not. The examiner may also conduct an unscored test consisting of numbers or similar benign information to acclimate the examinee to the process and establish the examinee's baseline physiology.¹⁰

(U) In-Test Phase

~~(U//FOUO)~~ During the "in-test" phase, the examiner uses the polygraph instrument to monitor and collect physiological activity from the examinee while presenting a structured series of formal exam questions. The NRO is authorized to conduct CSP and SIP examinations during personnel screening. A CSP exam will have formal test questions that cover the following areas:

- Involvement with a Foreign Intelligence or Security service,
- Involvement in terrorist activity(s) against the United States,
- Involvement in any unauthorized attempt to damage or misuse United States government information or defense system,
- Attempt(s) to conceal foreign national contact(s), and
- Intentional compromise of classified information.

SIP examinations are conducted to resolve a specific issue to include issues developed in connection with a personnel security investigation or related adjudication. As such, formal test topics and corresponding questions may vary.

(U) Test Data Analysis

~~(U//FOUO)~~ At the conclusion of the in-test phase, the examiner performs an analysis of the data collected to determine appropriate action. Specifically, an examiner reviews the examinee's physiological response to each formal test question. Examples of such responses are increased sweating, elevated heart rate, and changes in breathing patterns. According to polygraph experts, these responses are a measure of the examinee's aforementioned psychological set. An examiner compares examinee responses to his or her "pre-test" baseline. Responses that stand out from the baseline may be indicative of question areas where the examinee is potentially withholding information.

(U) Post-Test Phase

~~(U//FOUO)~~ The "post-test" phase is based upon the test data analysis. If the data evidences no significant physiological responses, the examiner may inform the examinee of the preliminary findings, and release the examinee, thereby ending the session. If the data evidences significant physiological response to one or more relevant test topics, the examiner may proceed to the post-test discussion. Ultimately, a polygraph examiner will render one of three opinions at the conclusion of the examination:

- **Significant Response:** Indicates consistent, significant, timely physiological responses to the relevant questions.

¹⁰ ~~(U//FOUO)~~ The examiner calibrates the instrument to account for an examinee's general nervousness associated with undergoing polygraph testing. This activity becomes relevant during the data analysis phase of the examination process.

- **No Significant Response:** Indicates no consistent, significant, timely, physiological responses to the relevant questions.
- **No Opinion:** Indicates the examiner cannot render an opinion based upon the physiological data.

(U//~~FOUO~~) The polygraph process is discussed further in Appendix D: Limited Distribution – Management Concerns. The appendix provides greater detail on the overall polygraph process and interactions between the examiner and examinee.

(U) OBJECTIVES, SCOPE, AND METHODOLOGY

(U//~~FOUO~~) The overall objective of this review was to evaluate the administration and execution of the NRO Polygraph Program, as well as to assess program compliance with applicable external authorities. Specifically, the review team assessed the following polygraph program areas:

- Internal and external policies and authorities,
- NRO polygraph execution,
- Examiner training,
- Quality Assurance,
- Examiner awards and performance appraisals,
- SIP request practices and procedures, and
- Records management.

(U//~~FOUO~~) The NRO OIG special review team conducted fieldwork between August 2012 and November 2013. The team included auditors, investigators, and inspectors. Several team members had previous CIA or NRO polygraph training and experience. Since the polygraph experience on the NRO OIG review team was largely limited to the CIA, we utilized an independent contractor with 40 years of DoD polygraph experience to provide a DoD perspective. As we conducted this special review, we encountered a lack of clarity in both internal and external polygraph policy, which resulted in extended analysis time and extensive follow-up for the team.

(U//~~FOUO~~) We examined prior reviews of the NRO Polygraph Program to include USD(I) and National Center for Credibility Assessments (NCCA) reviews,¹¹ as well as a 2005 NRO OIG Inspection. We coordinated with the DoD Office of Inspector General (DoD IG) and the IC Inspector General (IC IG) to identify any ongoing efforts within the respective offices related to the NRO Polygraph Program initiated as a result of the McClatchy news articles. We examined over 50 media releases, to include newspaper articles and a radio transcript, to identify relevant NRO Polygraph Program issues and allegations.¹² Since the NRO initially used former NCCA reviews as a rebuttal to the McClatchy news articles, we assessed those reviews. See Appendix F for further details on the NCCA reviews.

¹¹ (U) The NCCA Quality Assurance (QA) Program inspects procedures of all federal polygraph programs to assess compliance with ethical, professional, and technical standards.

¹² (U) This included media outlets republishing the initial news articles.

(U//~~FOUO~~) We reviewed federal, IC, DoD, and NRO policies regarding polygraph authorities and conduct. We reviewed the *Federal Psychophysiological Detection of Deception (Polygraph) Examiner Handbook* (the "Polygraph Examiner Handbook"). Within the IC area, we reviewed IC Directive (ICD)-704, *Personnel Security*, and associated guidance documents to determine overarching IC authorities, responsibilities, and procedures used in conducting a polygraph program. We reviewed past and current NRO charters to include the Department of Defense Directive (DoDD) 5105.23, *National Reconnaissance Office (NRO)*, to determine the NRO's designation, authorities, and responsibilities. Since the NRO is defined and referenced as an intelligence component of the DoD and a member of the IC, we reviewed the DoDD 5210.48, *Polygraph and Credibility Assessment Program*, and the DoD Instruction (DoDI) 5210.91, *Polygraph and Credibility Assessment (PCA) Procedures* to determine the DoD policies for a Polygraph Program and applicability to the NRO. We also reviewed United States Code (U.S.C), Titles 10 and 50, and Executive Order (EO) 13467 since DoD policy identifies that its authorities are derived from these titles and EO 13467. Internally, we reviewed the NRO Directive 100-1, *NRO Polygraph Program*, and the NRO Business Function 100, *Security and Counterintelligence*, to determine overarching NRO authorities and responsibilities used for the NRO Polygraph Program. We also reviewed pertinent past and present Operating Guidance within OS&CI relevant to the NRO Polygraph Program.

(U//~~FOUO~~) We interviewed approximately 85 personnel over the course of the review. Within the NRO, we interviewed OS&CI senior leaders, all examiners working within the NRO Polygraph Program at NRO Headquarters (HQ) and the other field offices, as well as all adjudicators within PSD/AB. We also interviewed attorneys from the NRO Office of General Counsel (OGC) and obtained a legal review on NRO polygraph authorities. Additionally, we met with NRO Office of Corporate Communications representatives to determine if any information was provided to the media, Congress, or other parties regarding NRO polygraph issues identified in the McClatchy news articles. Externally, we interviewed staff from USD(I), NCCA, and the Defense Counterintelligence HUMINT Center (DCHC). We also interviewed the primary complainant from the McClatchy news articles. Additionally, we benchmarked with the National Geospatial-Intelligence Agency (NGA), the Defense Intelligence Agency (DIA), and the CIA in the areas of polygraph examiner training; testing approaches (e.g., use of general appeals, follow-up on admissions, etc.); performance objectives; awards; performance metrics; quality assurance (QA); and polygraph handbooks.

(U//~~FOUO~~) We selected and reviewed 57 polygraph examinations (cases) conducted between Fiscal Year (FY) 2008 and FY 2012.¹³ We selected examinations across multiple FYs and were conducted by polygraph examiners from HQ and the other field sites. Specifically, we selected examinations in the following four categories:

¹³ (U) Our sample was a judgmental sample based on a non-probability sampling technique. Polygraph examinations were selected for review based on the knowledge and professional judgment of the team members.

- “Lifestyle” examinations (7 cases over 10 sessions),¹⁴
- Complaint examinations (10 cases over 17 sessions),¹⁵
- CSP examinations with lifestyle admissions (32 cases over 69 sessions), and
- SIPs with more than one examinee admission (8 cases over 16 sessions).

(U//~~FOUO~~) We analyzed the accompanying video recordings in their entirety, which consisted of 112 individual polygraph testing sessions that required approximately 730 person-hours to review.¹⁶ For each polygraph testing session reviewed, we assessed whether or not

- the examiner asked questions exceeding the scope of the exam without the examinee initiating the discussion or first making an admission to the “out-of-scope”¹⁷ topic,
- the examiner pursued appropriate follow-up questions on admissions made by the examinee,¹⁸
- the examiner used general appeals appropriately,
- the examiner used appropriate elicitation techniques after orally informing the examinee that the test data indicated possible deception, and
- the examiner sufficiently confirmed the veracity of statements offered by the examinee.

(U//~~FOUO~~) We conducted an extensive review of NRO polygraph procedures and records. We reviewed CSP and SIP policies and procedures, and selected and reviewed 40 SIP requests and supporting documentation. We reviewed 90 examiner performance appraisals (written between FY 2007 and FY 2012) and all 54 examiner awards given between FY 2008 and FY 2012, to determine any correlation between the numbers of admissions obtained by examiners and high performance ratings and awards. We also evaluated in-house examiner training documentation, as well as reviewed records management criteria and documentation to evaluate program implementation. We assessed the polygraph QA process through reviews of QA policies, procedures, and a sample of records.

(U//~~FOUO~~) Except for the qualifications discussed below, we conducted our special review in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General for Integrity and Efficiency. Because of deficiencies in PMB’s maintenance and storage of polygraph video recordings, potential program shortcomings may exist and not be identified through this review. Specifically, of the [REDACTED] examinations conducted by the PMB between FY 2008 and FY 2012, the PMB maintained viewable media for

¹⁴ (U//~~FOUO~~) In 2010, the USD(I) noted that the NRO conducted unauthorized lifestyle examinations during its review of the DoD polygraph programs. Our sample selection included those specific lifestyle examinations or ESS examinations.

¹⁵ (U//~~FOUO~~) We reviewed the available video recordings where a complaint was placed against the PMB to evaluate the validity of the complainant’s claims.

¹⁶ (U//~~FOUO~~) A polygraph examination could comprise multiple testing sessions. Within our sample, polygraph examinations ranged from one to four testing sessions.

¹⁷ (U//~~FOUO~~) Out-of-scope admissions refer to admissions made outside the scope of the formal CSP test questions.

¹⁸ (U) Such questions provide the “who, what, why, when, and where” details of any given admission.

polygraph exams.¹⁹ The review team could not view tapes and/or digital recordings for six sample items because the tapes and/or digital files were either missing or blank. Additionally, we did not include test data analysis—the review of the physiological data collected during an examination—as part of our review. Further, we did not address reinvestigation polygraph examinations, which are conducted on a recurring basis subsequent to an individual being granted access. Finally, the NRO OIG recused itself from reviewing the allegation regarding criminal referrals to appropriate law enforcement organizations because of its involvement in the process. Instead, the NRO OIG referred that allegation to the IC IG for a separate review of the NRO's crimes referral process. The IC IG plans to issue its report in calendar year 2014.

(U) PRIOR COVERAGE

(U) The USD(I), NRO OIG, and NCCA reviewed the NRO Polygraph Program over the last eight years, with differing conclusions. In 2010, the USD(I) identified that the NRO conducted unauthorized ESS examinations.²⁰ The NCCA conducted biennial inspections in FYs 2007, 2009, and 2011. Through those inspections, NCCA identified procedural issues pertaining to examiner use of comparison questions, deployments of polygraph examiners into war zones, and QA. The NRO OIG conducted an inspection in 2005 and found issues involving documentation requirements and action needed on elicited information, internal communication, and awards. Each of these reviewing organizations concluded that the NRO has satisfactorily addressed its recommendations from each of the respective reports. See Appendix E for a more detailed description of the prior coverage results.

~~(U//FOUO)~~ The NRO highlighted the NCCA Inspections as an offset to the McClatchy news article allegations. However, we have concerns with the limited nature of the NCCA assessments. See Appendix F for a discussion of our concerns.

(U) SPECIAL REVIEW RESULTS

~~(U//FOUO)~~ We found significant shortcomings in the administration and execution of the NRO Polygraph Program that may result in potential negative national security implications originating at the NRO. First, vague NRO policy has led to the inadequate execution of the DNRO polygraph mandate. Although NRO policy provides some latitude to delay the timing of the polygraph exam based on resource availability and prioritization, we found numerous personnel with access to NRO classified information have not undergone polygraph testing as part of their initial security process. Second, our review noted deficiencies in the execution of PMB polygraph examinations. For example, we found critical information collection gaps due to inconsistencies in examiner approaches. These inconsistencies were caused by a lack of

¹⁹ ~~(U//FOUO)~~ PMB policy is to erase a taped examination after 90 days unless a determination is made that the examination resulted in (1) Significant Reportable (SR); (2) Significant Content (SC); or (3) Significant Information (SI). In these cases, the tapes are not erased. Digital recordings are maintained indefinitely, but the use of digital recording has not been implemented at all PMB sites.

²⁰ (U) USD(I) recommended that the NRO seek written approval from USD(I) when conducting ESS exams in the future. USD(I) further stated there would be no issue in receiving approval.

clearly defined federal and DoD polygraph standards, gaps in NRO polygraph operating guidance, and further fostered by

- long-standing ideological clashes between the DoD and the CIA examiners,
- reductions in the number of examiners over recent years,
- limited training,
- inadequate quality assurance,
- questionable examiner performance measurements, and
- confrontational PMB management.

(U//~~FOUO~~) These shortfalls diminish the integrity of the NRO Polygraph Program and may cast uncertainty regarding particular test results. The program's shortfalls may also foster potentially detrimental reliance on its results by other IC organizations absent the organization's awareness of the program deficiencies. This is in contrast to those organizations that expressly inform the IC that polygraph processing is not utilized in its respective personnel security screening.

(U//~~FOUO~~) Additionally, we identified administrative shortfalls within NRO SIP and records management procedures. These shortfalls have resulted in SIPs without proper authorization documentation, the inability of NRO to accurately track internal records, and privacy and classification issues surrounding the use of unapproved forms. In light of the incomplete federal and DoD standards regarding out-of-scope admissions and use of general appeals, we assessed only the impact of these standards in the execution of polygraph examinations at NRO.

(U//~~FOUO~~) Regarding the McClatchy articles, we concluded that the McClatchy allegations were generally presented out of context. We found factors that contributed to the perceptions identified in the articles.²¹ For example, certain examiners resisted follow-up on examinee admissions that they considered outside the scope of the examination. Since the federal and the DoD polygraph standards did not address follow-up on out-of-scope admissions, these examiners perceived PMB management was unethically requesting that they obtain details on the employees' or applicants' private lives. Additionally, we found that certain examiners perceived pressure to garner more admissions since (1) a specific performance objective focused on admission numbers was included in their annual performance plans, and (2) PMB managers tracked the number of admissions reported. While our analysis of recent DoD appraisals indicated a link between admission numbers and ratings on the specific examiner performance objective, through benchmarking, we found other organizations utilize a similar appraisal practice. Meanwhile, our review found no link between the number of admissions collected and award determinations. We also found that certain examinees underwent multiple polygraph examinations, but this was largely due to inefficient testing practices, rather than as an intentional approach by PMB to inquire and track applicant personal behavior, as the McClatchy

²¹ (U) Among other things, the McClatchy articles alleged that the NRO Polygraph Program was pushing ethical and possibly legal boundaries by pressuring its polygraph examiners to "summon" employees and "job applicants" for multiple polygraph tests to ask about a wide array of personal behavior; altering test results to justify more probing of employees' and applicants' private lives; and establishing a system that tracks the number of admissions to use in the polygraph examiner annual performance reviews and award determinations (cash bonuses).

articles alleged. Lastly, we found no evidence of PMB altering test results to justify more probing of employees. Concerns noted regarding these McClatchy article issues are recognized and addressed, where appropriate, in this report.

(U) VAGUE NRO POLICY LEADS TO INADEQUATE EXECUTION OF POLYGRAPH MANDATE

(U//~~FOUO~~) The DNRO has mandated that all applicants for NRO SCI access undergo a polygraph examination as part of their personnel security process. However, the ND 100-1, *NRO Polygraph Program*, provides latitude regarding the timing of initial NRO polygraph testing, which has resulted in over [REDACTED] NRO personnel²² who have had SCI access without undergoing a polygraph exam.²³ The policy language diminishes the mandate, and its vagueness leads to varying NRO personnel security processing. In addition, the NRO lacks a risk-based approach to prioritize polygraph testing, which is imperative due to a reduction in the number of polygraph examiners. These deficiencies may result in potential national security implications at the NRO and IC-wide.

(U) NRO Policy Diminishes the Polygraph Mandate

(U//~~FOUO~~) Through ND 100-1, the DNRO mandates the use of the polygraph as an additional investigative tool for all personnel seeking access to NRO SCI. ND 100-1 states, "as a general rule, all government and contractor personnel sponsored by the NRO for SCI access or for access to the NRO Management Information System (NMIS) must complete, or have completed, a CSP examination." However, Section IV of this policy diminishes this mandate by stating that resource constraints may necessitate prioritization of testing, and further, by providing caveats to the types of personnel who need polygraph testing for SCI access. Specifically, Section IV²⁴ of the ND-100 states:

- a. Resources permitting, military, government civilian, and contractor personnel assigned to NRO facilities and ground stations will complete or have completed polygraph processing prior to assignment.
- b. Contractor personnel sponsored by the NRO for access to SCI programs that are not located at NRO government facilities or ground stations will be subject to polygraph processing at the discretion of the OS&CI/PSD.
- c. Resources permitting, military, government civilian, and contractor personnel who have SCI access with another government agency and are required to reside in NRO-sponsored government facilities or required to have access to NRO information systems, will be subject to polygraph processing at the discretion of the OS&CI/PSD.



²² (U) This is data collected as of April 2013.

²³ (U//~~FOUO~~) PMB management noted a shift in resources in 2006 to address the then existing "initial" backlog of approximately [REDACTED] cases; however, as October 2013, over [REDACTED] individuals currently in access still have not received their initial polygraph examination. Further, by shifting resources in such a manner, the "periodic" caseload (cases which are conducted on a recurring basis subsequent to an individual being granted access) has increased to over [REDACTED] during this same time.

²⁴ (U) Criteria listed here from ND-100, Section IV relates to initial polygraph testing.

- d. Resources permitting, individuals determined to be privileged users of NRO information systems will complete, or have completed, polygraph processing prior to being granted privileged user access.

(U//~~FOUO~~) We found these caveats contained within ND 100-1 cause confusion regarding the prioritization of polygraph testing of new applicants at NRO. A senior OS&CI Policy Officer opined that the provisions of ND 100-1 differentiate between those applicant assignments with higher risk to NRO activities (i.e., military, government civilian, and contractor personnel assigned to NRO facilities and ground stations, as well as privileged users) versus lower risk (i.e., contractor personnel sponsored by the NRO for access to SCI programs that are not located at NRO government facilities or ground stations, as well as those government civilian and contractor personnel who have SCI access with another government agency and are required to reside in NRO facilities or have access to NRO information systems). The officer, however, concluded that the policy language did not dictate prioritization of any individual case, and that all NRO polygraph testing was subject to available resources. This conclusion was echoed by a senior PSD officer, who noted that no group has a requirement for an upfront polygraph, that each new employee is put on the list of those needing a polygraph, and that prioritization of the polygraph list is “oldest to newest” unless there is an outside requirement. In contrast, a senior AB²⁵ official opined that ND 100-1 does establish what they characterized as a risk-based priority list, but was unsure whether NRO was implementing the policy as such.

(U//~~FOUO~~) In practice, barring a special request from AB or an outside requirement,²⁶ no group (i.e., military, government, or contractor) must receive an upfront polygraph prior to obtaining SCI access at NRO. We found that those higher risk applicants are not always completing polygraph processing prior to beginning their respective assignments or being granted access. We also found NRO personnel—particularly contractors—are and continue to be provided NRO SCI access for long periods of time without undergoing a polygraph examination. As a result, NRO personnel may be granted SCI access to NRO facilities and information systems, including privileged user status, with only a basic background investigation, with their required polygraph examinations taking place months or years later, if at all. We found this NRO approach to upfront polygraph testing is not entirely consistent with the NGA and the DIA processes. 


(U) Prioritization of NRO Polygraph Testing is not Risk-Based

(U//~~FOUO~~) Notwithstanding provisions of ND 100-1, we found that the NRO does not utilize a risk-based framework for conducting polygraph testing of new applicants. While military and government civilians typically undergo polygraph testing ahead of contractors, contractors were generally granted SCI access and then prioritized for polygraph testing based on oldest to newest SCI in-brief date. ND 100-1 designates PMB as having responsibility for

²⁵ (U) AB determines eligibility of all applicants for NRO access based on ICD 704.

²⁶ (U) The scheduling of examinations for military and government civilian personnel are normally identified to PMB by a request from the sponsoring program office.

²⁷ (U) This is data collected as of 1 October 2013.

prioritizing the conduct of polygraph examinations. Specifically, PMB indicated that its priority for scheduling polygraph examinations is as follows:

1. AB special requests due to issues recognized by AB as having immediate adjudicative value;
2. Military and government personnel when the sponsoring components provide an accompanying special request; and
3. Contractors are last in priority for testing.

~~(U//FOUO)~~ We found that the general practice by PSD is to grant contractors SCI access prior to having them submit to a polygraph examination. A PMB senior official opined that 80 to 90 percent of those individuals working at NRO facilities are contractors who did not undergo an upfront polygraph examination.²⁸ Additionally, when asked if contractors were being processed within PMB pursuant to the language of ND 100-1, a senior PMB official noted this was "not happening." In fact, no method is employed to ensure higher risk contractors, such as privileged users, are prioritized ahead of lower risk contractors.

~~(U//FOUO)~~ Privileged users are personnel who have broad Information Technology (IT) system access to system control, monitoring, or administration functions. They may also be authorized to create or modify system configuration parameters and/or user account parameters without the owner's knowledge or permission. We found material shortcomings in how NRO tracks privileged user applicants during security processing, thereby limiting OS&CI's ability to identify them for priority polygraph testing.²⁹ A senior AB official indicated that NRO paperwork does not always identify an applicant for NRO SCI access as a privileged user. The official further noted there is no clear way of knowing how many privileged users are currently in NRO security processing or who have SCI access. Prior NRO OIG audits identified the lack of an enterprise approach to adequately monitor, track, and train users with privileged access to NRO IT assets.³⁰ Because of these shortcomings, privileged user applicants for NRO positions appear to be prioritized in the same "oldest to newest" paradigm as other applicants.

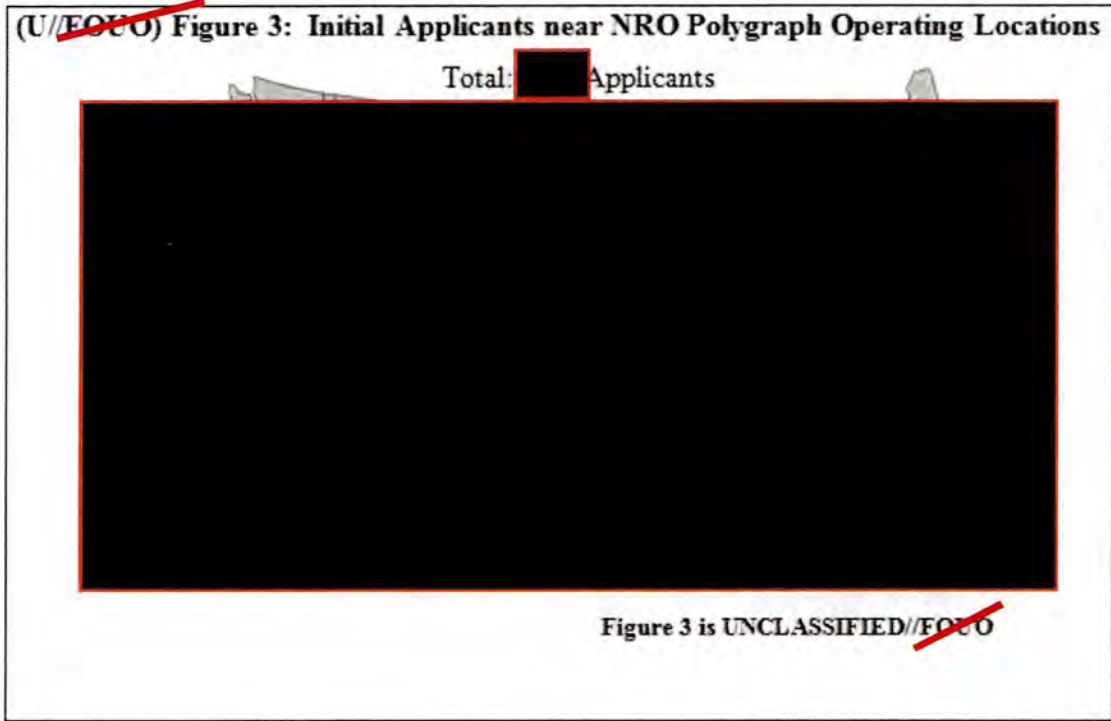
~~(U//FOUO)~~ We also assessed whether any prioritization was done by applicant location. While ND 100-1 stipulates "resources permitting, military, government civilian, and contractor personnel assigned to NRO facilities and ground stations will complete or have completed polygraph processing prior to assignment," we found that no prioritization of this nature was occurring. PMB officials told us that initial applicants close to polygraph field locations were prioritized over those applicants who were not in close proximity to the field locations. However, as of 21 October 2013, PMB identified [REDACTED] of the currently [REDACTED] NRO personnel who have been briefed into NRO programs without polygraph examinations reside within a

²⁸ ~~(U//FOUO)~~ As of 18 November 2013, there are [REDACTED] U.S. Government Personnel (civilian and military) currently in NRO SCI access. In contrast, there are [REDACTED] contractors currently in NRO SCI access.

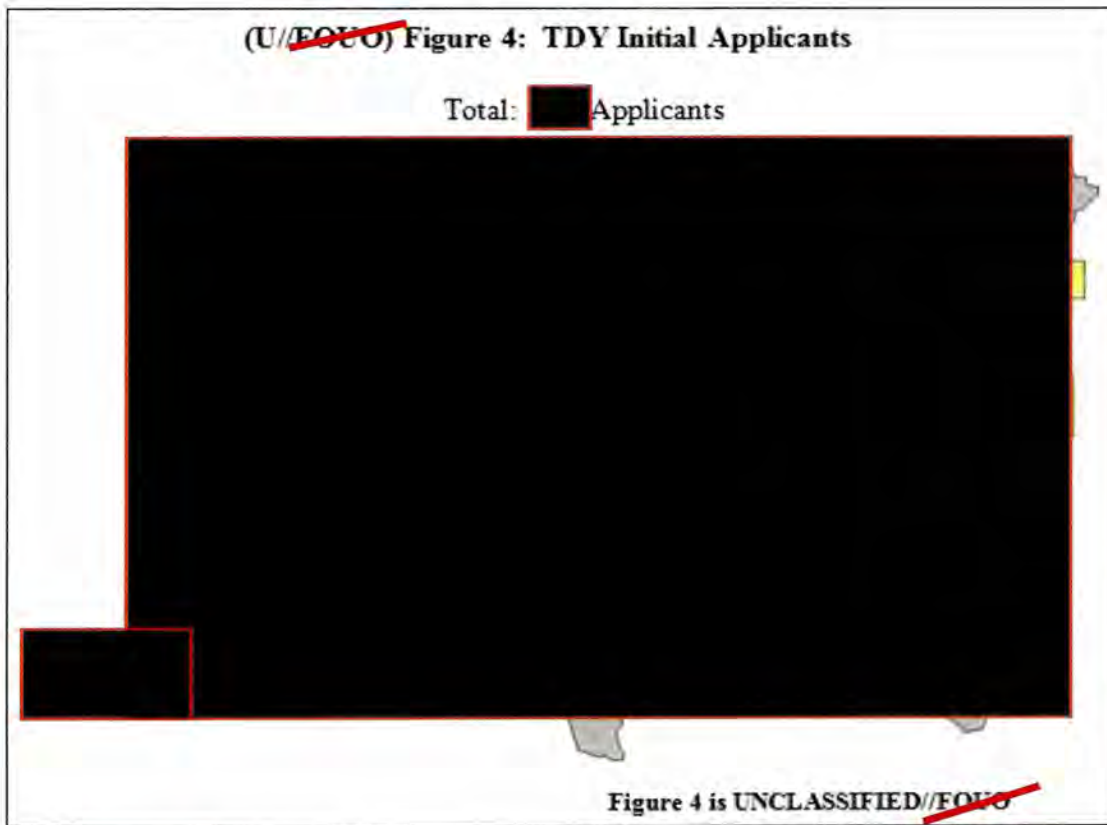
²⁹ ~~(U//FOUO)~~ The inability to track privileged users was highlighted in the *Audit of the Management of Information Systems Privileged Users* (Project Number 2010-007A), 19 November 2010; and *Federal Information Security Management Act of 2002 Fiscal Year 2013 Report* (Project Number 2013-004A), 12 September 2013.

³⁰ ~~(U//FOUO)~~ To its credit, the NRO is making strides to establish an enterprise-wide monitoring function to address this risk.

“reasonable distance”³¹ of one of the five NRO polygraph-testing facilities. The remaining [REDACTED] applicants are considered “TDY Initials” that do not reside within a reasonable distance of the NRO testing facilities. The specific breakdown of applicants by location is shown in Figures 3 and 4, respectively.



³¹ ~~(U//FOUO)~~ PMB has defined “reasonable distance” as a location within 50 miles of a polygraph testing site.



~~(U//FOUO)~~ Finally, we assessed whether military and government personnel receive initial polygraph examinations prior to being granted SCI access. We were told by OS&CI during the review that military and government personnel receive polygraph examinations prior to being granted access. However, through an analysis conducted in April 2013, of the [REDACTED] NRO personnel briefed without a polygraph examination, we found [REDACTED] were military and government personnel.³² A senior PMB official noted that PMB did not receive the aforementioned request from the respective sponsoring component for these personnel.

(U) NRO Policy Fails to Establish Polygraph Testing Timeframes for Personnel Granted SCI Access

~~(U//FOUO)~~ We also noted that when NRO personnel are granted SCI access without polygraph examinations, they might go long periods of time without undergoing their initial polygraph test. ND 100-1 does not establish timeframes for initial polygraphs to be conducted following personnel being granted SCI access. However, OS&CI officials indicated that their goal is for personnel to receive polygraph testing within 90 days of being granted access. Additionally, we noted PMB guidance to its Team Chiefs (dated March 2011) stating “[SCI] briefing dates 90 days or older are in the RED zone and must be addressed immediately.”

³² ~~(U//FOUO)~~ Based on information provided by PMB, seven of these individuals are flight crew supporting NRO courier missions—potentially transporting NRO classified information and materials to various locations.

(U//FOUO) In April 2013, OS&CI provided the OIG special review team a list of [REDACTED] personnel with either current or prior³³ access to NRO classified information who had not undergone a polygraph examination (see Table 1). We found [REDACTED] of these employees had been in access for longer than 90 days without a polygraph, an [REDACTED] of those personnel had gone longer than 365 days without undergoing an initial examination. Additionally, while OS&CI had reduced the number of individuals without an NRO polygraph from [REDACTED] to just over [REDACTED] as of October 2013, senior PMB officials informed us that [REDACTED] of these personnel had been in NRO SCI access since 2009 without undergoing a polygraph examination.

(U) Table 1. Polygraph Timeframes

Affiliation	All	> 90 days	>180 days	> 365 days
Contractors	[REDACTED]			
Government				
Total				

Table 1 is UNCLASSIFIED

(U//FOUO) To further analyze the impacts that this lack of initial polygraph testing could have on the NRO, we identified the number of individuals who were removed from NRO SCI access after undergoing polygraph testing. We noted seven percent of the sampled polygraph cases involved individuals that had not undergone an initial polygraph examination and later, when they were eventually tested, made an admission involving child pornography.³⁴ In another case, we identified a contractor who had originally been briefed into NRO SCI access in 1990. The contractor was terminated in 1999 without ever undergoing a polygraph examination. The contractor was then briefed back into NRO programs in September 2013, without ever undergoing polygraph testing. Further, a senior AB official noted higher potential operational risk to NRO programs when action is taken to revoke an individual's access once he or she is briefed, as opposed to little or no risk to NRO programs when an applicant's request for access is initially denied.

(U) Lack of PMB Resources Contribute to Polygraph Testing Problems

(U//FOUO) PMB officials indicated that inadequate examiner resources have contributed to the backlog in initial polygraph processing and deficiencies in the NRO polygraph program. According to senior PMB officials, a significant decrease in the number of examiners assigned to PMB in recent years as well as changes in examiner work schedules³⁵ have contributed to the loss of production within PMB. A PMB briefing in FY 2013 noted that in January 2010, there

³³ (U//FOUO) It's unknown whether or not all of these [REDACTED] personnel still had NRO SCI access. Personnel on this list could have been in NRO access in the past, but then departed NRO without ever undergoing a polygraph. OS&CI personnel stated they would have to review the list line-by-line to determine each person's NRO access status.

³⁴ (U//FOUO) Because of the NRO OIG involvement and at our request, the IC IG is conducting a separate review of the crimes reporting process.

³⁵ (U//FOUO) "Changes in examiner work schedule" is a reference to flexible work schedules that allow employees to have one or two days off during the pay period in exchange for working more hours per day. Examiners typically limit polygraph tests to two per day per person. This reduces the number of days an examiner is in the office, thereby reducing the number of polygraph exams that can be scheduled.

were [redacted] NRO polygraph examiners, but by January 2013, there were only [redacted] total examiners—a reduction of 39 percent.³⁶ This same briefing showed a significant polygraph production impact caused by the staffing reductions. Specifically, polygraph examinations decreased from 9,460 in FY 2010 to 5,720 in FY 2013. These diminished resources create and perpetuate NRO backlogs in both initial and periodic polygraph testing. PMB officials estimate that, with [redacted] examiners, the backlog of cases would be eliminated in five years; with [redacted] examiners, the backlog would be eliminated in 15 years; and if the number of examiners stayed at the current staffing level, the backlog would steadily increase indefinitely.

(U) NRO Approach to Polygraph Testing May Lead to Potential Security Implications

~~(U//FOUO)~~ In summary, we found that PMB utilized no appropriate risk-based assessment in scheduling initial polygraph examinations for NRO personnel. This is caused by vague polygraph prioritization policy, coupled with insufficient PMB examiner resources. As a result, individuals are, and continue to be, provided NRO SCI access for long periods without undergoing a polygraph examination. This may result in potential national security implications originating at the NRO. Individuals—primarily contractors—are granted access to NRO classified information, facilities and IT systems,³⁷ including privileged user status, with only a basic background investigation, with their required polygraph examinations taking place months or years later, if at all. A senior PMB official noted that, although the current NRO polygraph program mitigates an otherwise constant but fluctuating level of risk, as resources are compromised, there is a corresponding decrease in the NRO capability to mitigate that risk. This same official stated that the NRO polygraph program is “terribly broken,” and would require a “paradigm shift” in order to remediate the shortcomings within the program. The official further added that the current status of the NRO polygraph program is “bleak.”

(U) Recommendation #1 for the Director, OS&CI: Update existing policy to clarify/specify for whom and when polygraph testing is required as part of the initial security vetting process at NRO.

(U) OS&CI Response: The Director, OS&CI concurred with Recommendation #1.

(U) NRO EXAMINERS CONDUCT EXAMS IN AN INCONSISTENT MANNER

~~(U//FOUO)~~ We found NRO examiners conducted polygraph examinations in an inconsistent manner. Specifically, we found inconsistencies in the administration and execution of NRO polygraph examinations, including but not limited to, disparate practices on how to address out-of-scope admissions and inconsistent use of general appeals. These inconsistencies may cause examiners to miss critical information collection opportunities on individuals seeking access to NRO classified information, as well as negatively impact security reciprocity and information sharing across the IC absent an awareness of such deficiencies. This unsettled

³⁶ (U) Air Force Element personnel indicated that there have been various reasons why OS&CI has a reduced number of polygraph billets. For example, Air Force Executive Resources Board (AFERB) re-assigned certain billets to address greater NRO personnel needs. The AFERB is currently re-considering adding five additional billets pending the finalization of the 2014 budget.

³⁷ ~~(U//FOUO)~~ NRO IT systems include NMIS.

testing environment results from a lack of clearly defined federal and DoD polygraph standards, as well as gaps in NRO polygraph operating guidance. This was further fostered by resource constraints³⁸ within the NRO Polygraph Program, as well as long-standing ideological clashes between DoD and CIA examiners, and inadequate and confrontational management practices.

(U) NRO Polygraph Testing Practices are Inconsistent

~~(U//FOUO)~~ We found examples within our review of divergent NRO polygraph testing practices. First, we found instances where the examiner did not address or follow up on examinee admissions and/or unresolved test issues. For example, in one examination, the examiner did not follow up on an examinee admission of illegal sexual contact with a possible foreign national at a massage parlor, despite the examinee having reacted to the relevant CSP exam questions. In another examination, an examinee initially admitted to drug use and theft of a hard drive from his company. During the post-test phase, the examiner emphasized his desire for the examinee to “pass the test,” and did not ask follow-up questions in order to obtain more relevant information. Second, we noted examples of examiners’ inconsistent use of general appeals. As discussed previously, a general appeal is an intentionally broad question to provide the examinee an opportunity to discuss any concerns that he or she may have coming into the examination, regardless of whether such concerns relate directly to the issues involved in the formal test. Without a general appeal, the examinee may not have an opportunity to discuss the issue(s) that may be of concern to him or her prior to formal testing. This may potentially prolong testing, inhibit the examinee from successfully completing the test, and ultimately preclude the examiner from developing relevant information. Collectively, these conditions may cause examiners to miss critical information collection opportunities on individuals seeking access to NRO classified information.

~~(U//FOUO)~~ Third, we found examples of NRO examiners exploring potential out-of-scope admissions using inappropriate techniques. We found instances in nine exams where the examiner discussed issues that may have exceeded the scope of the exam without the examinee first raising the issue. In one instance, the examiner inquired whether the examinee had used alcohol or disobeyed a direct military order. In other examples, we noted examiners using the ICD-704 as a “prop” to facilitate a discussion that may lead to issues outside the scope of the exam. In other instances, we observed examiners using poorly worded questions during the pre-test interview that inadvertently addressed the examinee’s possible involvement in activity beyond the scope of the CSP test. While these instances may lead to perceptions that the NRO is exceeding its authority in asking questions beyond the scope of a CSP examination, we found no evidence of programmatic directives or policies expressly instructing examiners to do so.

~~(U//FOUO)~~ Last, we noted examples of PMB conducting potentially inefficient polygraph exams that could foster the perception within the McClatchy media articles of summoning employees and job applicants for multiple polygraph tests to ask non-CSP related questions about a wide array of personal behavior. For example, we identified one case wherein an examinee admitted to viewing child pornography in his first polygraph session. Notwithstanding, the examiner continued to test the examinee for three additional sessions

³⁸ (U) Resource constraints are discussed under the section “Vague NRO Policy Leads to Inadequate Execution of Polygraph Mandate.”

without conferring with AB for guidance regarding the adjudicative value or impact of the admissions at issue. In other instances, we noted sessions that involved discussions regarding only out-of-scope examinee admissions with no formal CSP testing ever being conducted during the session. These factors can lead to inefficient PMB resource allocation and a lack of timeliness of polygraph-derived information to adjudications personnel.

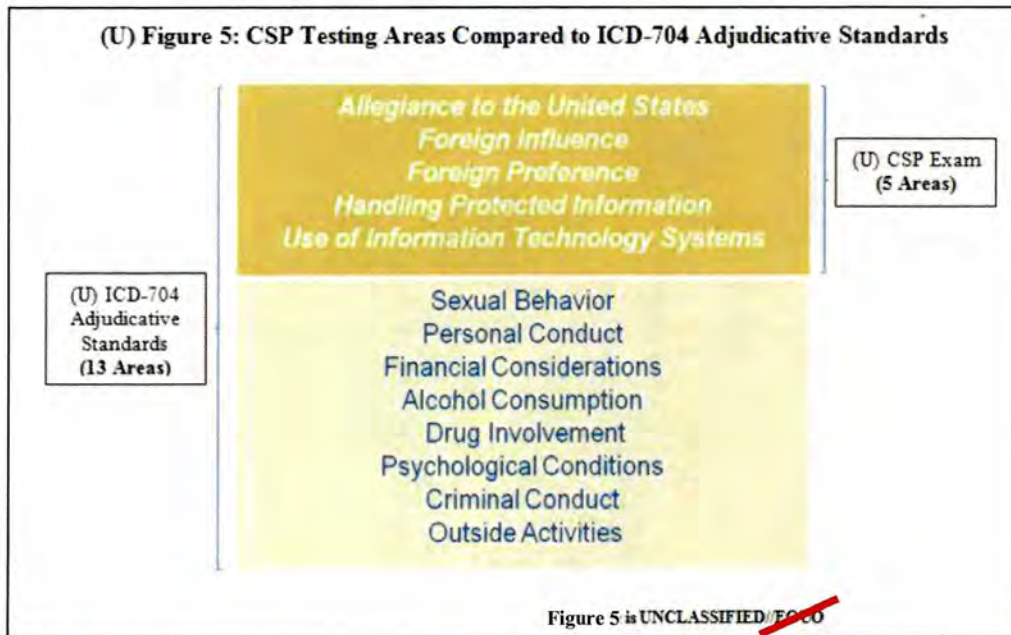
(U) Incomplete Federal and DoD Standards Contribute to Inconsistent Testing

(U//~~FOUO~~) We found incomplete federal and DoD polygraph standards³⁹ contributed to examiners conducting exams in an inconsistent manner. While these standards provide a general framework for polygraph testing, they do not provide specific guidance on how to follow up on out-of-scope admissions or use of general appeals. This lack of definitive guidance has led to the aforementioned disparate NRO polygraph-testing practices in the areas of out-of-scope admissions and general appeals, and has impacted polygraph-testing practices across the IC. Further, these inconsistencies may foster material gaps in information collection during polygraph processing, and may prejudice the adjudications process.

(U//~~FOUO~~) Generally, adjudications personnel make decisions on whether to grant an individual access. The adjudicative process entails an examination of a sufficient period of a person's life to make a determination that the person is an acceptable security risk. This involves the careful weighing of a number of variables known as the "whole-person concept."⁴⁰ The ultimate determination to grant or continue eligibility for a security clearance requires a judgment based upon consideration of 13 specifically defined criteria set forth in ICD-704 (see Figure 5). While CSP examinations are generally limited to addressing five of the 13 ICD-704 criteria (see Figure 5), these examinations are an important investigative tool utilized by NRO to ascertain or validate information of adjudicative significance regarding an individual's eligibility for initial or continued access to classified information. Thus, disparate practices regarding the follow-up on out-of-scope admissions and inconsistent use of general appeals may result in material gaps in information collection during personnel security screening. Interviews with NRO adjudicators reinforced this concern. Specifically, [REDACTED] NRO adjudicators identified issues with either the lack of completeness or timeliness of polygraph information. Adjudicators also indicated that polygraph reports were vague, frequently lacked substantive information even when there were admissions noted, and that it appeared examiners "did not know what they are looking for." Further, adjudicators stated examiners did not provide enough critical ICD-704-relevant information to adjudications even when the information was brought up by the examinee.

³⁹ (U) The federal and DoD polygraph standards are set forth in the Polygraph Examiner Handbook; DoDD 5210.48, *Polygraph and Credibility Assessment Program*; and DoDI 5210.91, *Polygraph Credibility and Assessment Procedures*.

⁴⁰ (U) Intelligence Community Policy Guidance 704.2 (ICPG 704.2) notes that eligibility for access to SCI and other controlled access program information will be determined through the evaluation of all information bearing on a subject's loyalty, reliability, and trustworthiness developed through a series of investigative tools conducted by authorized investigative personnel. The guidelines are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, and other individuals who require access to classified information.



(U//~~FOUO~~)

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

(U//~~FOUO~~) Greater coherence in the use of follow up on out-of-scope admissions and general appeals may provide more relevant information and support to adjudications personnel responsible for making critical risk-based decisions regarding access to classified information. Further, greater consistency in polygraph testing practices and information collection both at the NRO and across the IC may mitigate the inherent risks involved in security reciprocity, personnel mobility and information sharing across the IC. USD(I) representatives acknowledged the need to address and resolve these inconsistencies in the federal and DoD standards. Based on discussions with responsible USD(I) officials, the officials agree with the need for clarity on general appeals and out-of-scope admissions. In response to this concern, the USD(I) officials advised they are in the process of updating their policies.

~~(U//FOUO)~~ **Gaps Exist in NRO Polygraph Operating Guidance**

~~(U//FOUO)~~ Former and current NRO polygraph operating guidance has not been clear, consistent, or comprehensive. The former operating guidance, NRO Operating Instruction (OI) 106, *Examiner Handbook*, provided conflicting guidance between DoD and CIA authority for the NRO Polygraph Program. OI 106 indicated that the program had CIA authority, yet the implementing details described only the use of CSP and SIP examinations. In 2007, PMB transitioned away from OI 106 to address a new approach for handling examinee admissions outside the scope of the examination. Specifically, PMB provided interim, informal guidance to the polygraph workforce through emails. However, we were unable to determine how broadly this interim guidance was disseminated across the staff. In fact, PMB management acknowledged that, until they pulled information together for our special review, they did not realize the amount of emails released to modify the then existing guidance. In November 2011, PMB began developing new operating guidance.⁴¹ Although this guidance has yet to be finalized, we noted that it (1) lacks finalized pre-test procedures, (2) fails to address the proper handling of disqualifying information obtained during a polygraph exam, and (3) is silent on how to follow-up on out-of-scope admissions. While we recognize the federal and DoD polygraph standards are incomplete and may impact PMB's ability to address certain aspects of its program, more complete and formalized PMB guidance is needed to ensure the NRO Polygraph Program is operating in a consistent and appropriate manner.

(U) Recommendation #2 for the Director, OS&CI: Update the polygraph operating guidance to ensure comprehensiveness. This guidance should provide the NRO requirements for conducting polygraphs and include detailed instructions for general appeals as well as handling admissions and disqualifying information obtained during a polygraph.

(U) OS&CI Response: The Director, OS&CI concurred with Recommendation #2.

(U) Polygraph Program Environment Further Exacerbates Inconsistent Testing

~~(U//FOUO)~~ When we reviewed the Program's work environment, we found a workforce with opposing CIA and DoD ideologies, as well as inadequate and confrontational PMB management practices, which contributed to the NRO Polygraph Program's inconsistent testing.

I. (U) Opposing CIA and DoD Ideologies at the NRO

~~(U//FOUO)~~ We identified divergent ideological perspectives between CIA and DoD examiners within the NRO program. These perspectives stem from the origins and evolution of the NRO Polygraph Program over the last couple of decades. The program originated as a DoD-staffed and managed enterprise. Over time, the CIA examiners were incorporated into the program, with a CIA officer eventually becoming the Chief/PMB. Some DoD examiners viewed this as a "hostile takeover" of the program.

~~(U//FOUO)~~ The current NRO polygraph workforce is a combination of CIA and DoD polygraph examiners who execute their respective duties utilizing distinct polygraph

⁴¹ (U) This operating guidance does not have an official name or number.

backgrounds, training, and experience.⁴² As a result, certain examiners identified broad ideological differences within the program. For example, PMB personnel indicated that examiners with CIA training and experience placed emphasis on pursuing and collecting information through elicitation, while DoD examiners tended to emphasize the technical completion of the test. These ideological differences were highlighted when PMB management attempted to modify the program's approach in handling examinee admissions that were outside the scope of the examination. Specifically, PMB management instructed the examiners to obtain additional, detailed information when an examinee presented out-of-scope admissions. Certain examiners were resistant to this new approach. One PMB manager believed that the resistance stemmed from DoD examiners not wanting to "interrogate" examinees on out-of-scope issues because federal and DoD standards did not mandate such conduct. As an example, a PSD manager detailed an incident where an examiner refused PMB management's instruction to follow up on out-of-scope admissions, citing that DoD polygraph regulations did not mandate such follow-up actions.

~~(U//FOUO)~~ The dissimilar perspectives of the independent DoD contractor used by the NRO OIG review team further emphasized these ideological differences. Since the polygraph experience of the review team consisted primarily of former CIA-trained examiners, we sought the perspective of an experienced DoD polygraph professional⁴³ to ensure a balanced approach to the review. Many of his observations differed from those of the review team with CIA backgrounds. For example, the DoD contract examiner reviewed 35 polygraph video testing sessions where the review team with CIA experience had opined that the examiner had not adequately pursued admissions volunteered by the examinee. In 18 of the 35 sessions, the DoD contract examiner offered contrary conclusions to those of the review team with CIA experience. Specifically, the DoD contract examiner opined that the NRO examiner in those 18 respective sessions exceeded the CSP exam scope. The DoD examiner further offered the following observations:

- Examiners were using general appeals that were too broad for a CSP, which resulted in lifestyle-type admissions (e.g., drug use, sexual conduct, etc.). CSP general appeals should only focus on counterintelligence/security issues;
- Lifestyle admissions should generally not be pursued or reported and could be discouraged and/or minimized in a CSP setting with the proper use of elicitation techniques; and
- Some sessions were strictly to follow up on lifestyle admissions dealing with adult/child pornography on home computers; no formal CSP or SIP testing was ever conducted. This line of questioning would have been more appropriately conducted by a personnel security specialist outside the polygraph exam and/or referred to the appropriate criminal investigative agency.

⁴² ~~(U//FOUO)~~ One such distinction involves the type of testing used by CIA vice DoD. CIA examiners are authorized and trained to conduct ESS examinations. In contrast, DoD examiners are authorized and trained to conduct CSP examinations, which do not include the "lifestyle" topics contained in ESS examinations.

⁴³ (U) The independent contractor has over 40 years of DoD polygraph experience.

(U//~~FOUO~~) The DoD contractor recommended re-training examiners on what he considered the proper use of elicitation techniques. He suggested the training be centered on the use of CSP questions to minimize lifestyle admissions, with appropriate management monitoring of examination to discourage what he characterized as examiner “over-aggressiveness” in obtaining lifestyle admissions.

(U//~~FOUO~~) In summary, these ideological differences between CIA and DoD examiners lead to divergent approaches in the execution of polygraph testing at the NRO. Stated differently, the use of a general appeal and degree of follow up, if any, on admissions during polygraph testing may be entirely dependent on whether the individual undergoing the polygraph exam is assigned a CIA or DoD examiner.

II. (U) Insufficient Training, Inadequate Quality Assurance, and Inappropriate Examiner Performance Objective Measurements

(U//~~FOUO~~) PMB management’s administration and execution of policy was inadequate to overcome these ideological differences. Specifically, PMB management was ineffective in establishing and mandating internal training, executing an adequate QA process, and defining management expectations and setting clear goals for examiners.

(U//~~FOUO~~) ***Insufficient Internal Training:*** PMB has no formal, internal training mechanism that sufficiently addresses and remediates the unique challenges found in the NRO Polygraph Program. As previously noted, the NRO PMB consists of CIA and DoD examiners who have divergent ideological and operational perspectives regarding how to conduct examinations. This has resulted in inconsistent testing protocols within PMB. For example, of the [redacted] examiners interviewed, [redacted] identified their authorities as strictly “derived from the DoD regulations,” [redacted] cited “IC and/or the DoD authorities,”⁴⁴ and [redacted] stated the “type of test” conducted dictated their authority. We found that notwithstanding the initial federal polygraph training⁴⁵ and continuing education, internal NRO training lacks appropriate rigor to overcome the unique issues within the program. While PMB management noted that the examiners receive training during monthly staff meetings, they were unable to provide any evidence of the in-house training. In contrast, during benchmarking, we found that the DIA had a robust, yearlong training program designed to “brand” its program to new examiners. An effective internal polygraph-training program would provide NRO examiners a similar understanding of the authorities and PMB policies and would also ensure greater consistency in the execution of NRO polygraph examinations.

(U) **Recommendation #3 for the Director, OS&CI:** Enhance the in-house polygraph training program and ensure the program is accessible by polygraph examiners at all locations.

(U) **OS&CI Response:** The Director, OS&CI concurred with Recommendation #3.

⁴⁴ (U) The NRO Polygraph Program authorities are derived from the DoD Regulations.

⁴⁵ (U) All prospective examiners undergo polygraph training at the NCCA in order to become federally certified.

~~(U//FOUO)~~ **Inadequate Quality Assurance:** We also found that PMB management has been ineffective in correcting recognized inconsistencies and quality control issues inherent to the NRO Polygraph Program. An effective internal QA process is designed to identify, address, and remedy improper testing techniques and other program deficiencies. According to one PMB management official, "polygraph quality is so poor that I cannot even watch the videos and do not know what I will get from polygraph to polygraph." Despite these quality control issues, PMB management provided no evidence of planned actions to address these program deficiencies. The PMB QA function is largely limited to review of the polygraph report. The current QA protocol does not require real-time video reviews to monitor what is occurring in the examination room. Of 28 polygraph cases⁴⁶ wherein we identified concerns, only one exam had undergone a comprehensive review, which included a review of the video recording. While we found the examiner exceeded the exam scope on that particular exam, neither the Team Chief nor the QA personnel made any comment to this effect. Rather, the Team Chief indicated they were impressed with the examiner's performance. Overall, we conclude that the PMB QA process, as it exists today, is unlikely to identify and remedy testing and other program deficiencies that currently exist.

(U) Recommendation #4 for the Director, OS&CI: Conduct a comprehensive review of the polygraph quality assurance program and update the policy to reflect program changes.

(U) OS&CI Response: The Director, OS&CI concurred with this recommendation by identifying ongoing improvements that are being and have been made to the QA program since June 2013.

~~(U//FOUO)~~ **Questionable Examiner Performance Objective:** One PMB examiner performance objective pressures examiners to garner more examinee admissions. Employee performance objectives are intended to define management expectations and set clear goals. One PMB performance objective included in all examiner performance plans indicates, "collect relevant reportable information within branch averages." This performance objective has led many polygraph examiners to perceive and behave as though PMB evaluates and awards employees based on the number of admissions collected. Examiners noted that management's expectations are further emphasized through mandatory quarterly meetings with each polygraph examiner discussing his or her quarterly admission statistics in comparison to projected branch averages. As a result of the performance objective and quarterly status meetings, [REDACTED] of the [REDACTED] polygraph examiners felt management pressure to obtain more admissions in order to obtain a higher performance rating and receive award recognition. The McClatchy media articles also alleged that the NRO was tracking admissions⁴⁷ and using them for performance evaluations.

~~(U//FOUO)~~ We analyzed a sample of polygraph examiner awards and performance appraisals to determine if a link exists between admissions collected, and examiner awards and performance ratings. After evaluating all 54 performance awards given to polygraph examiners during the period FY 2008 through FY 2012, we found no link between the number of

⁴⁶ ~~(U//FOUO)~~ These 28 cases represent the exams where the former CIA examiners on the review team believed the NRO polygraph examiner exceeded the exam scope or did not adequately pursue an admission.

⁴⁷ (U) The McClatchy articles use terms such as "personal confessions," "confessions," and "Code 55" information interchangeably with the term "admissions."

admissions collected and purpose for the award. Similarly, we reviewed a sample⁴⁸ of examiner performance appraisals during the period FY 2007 through FY 2012. We noted the objective “to collect relevant reportable information within branch averages” was not incorporated into examiner performance plans until FY 2010.⁴⁹ However, PMB had been tracking admissions collected by examiners as early as FY 2007. Based on an evaluation of examiner performance appraisals prior to FY 2010, the link between the number of admissions collected and overall examiner performance ratings was inconclusive—examiners within this sample typically received an overall “successful” rating regardless of the number of admissions collected. To further refine our analysis, we examined 18 DoD examiner appraisals for FY 2011 and FY 2012 following the addition of the performance objective into examiner performance plans.⁵⁰ Our analysis showed a direct link between examiner performance ratings and admissions collected for the one objective in question (see Figure 6). Specifically, the DoD polygraph examiners with admissions more than the branch average consistently received higher ratings for this objective than examiners with admissions at or below the branch average.

(U) Figure 6: DoD Examiner Performance Ratings vs. Admissions Collected (FY 11-12)

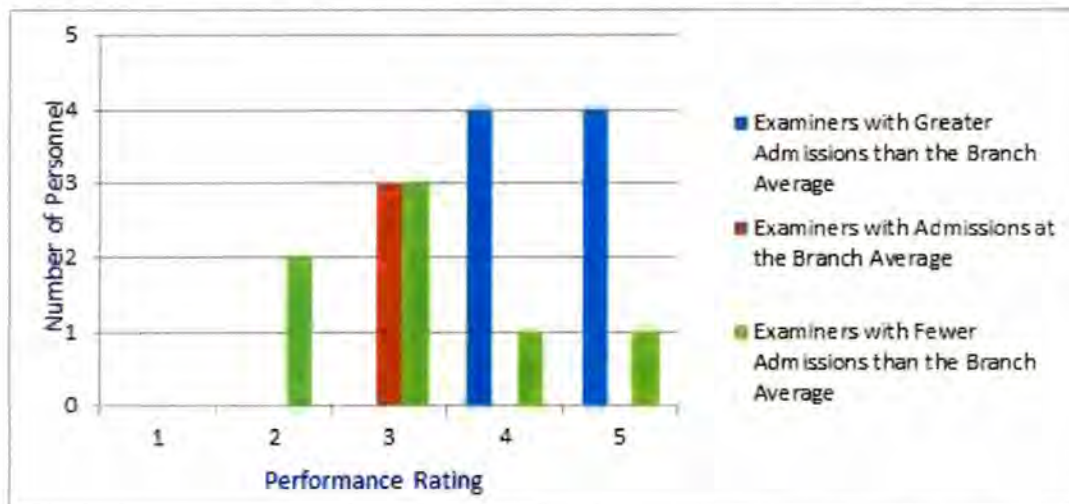


Figure 6 is UNCLASSIFIED

~~(U//FOUO)~~ While our analysis of a sample of recent DoD examiner appraisals indicates a link between examiner performance objective ratings and admission numbers, it is important to note that using admissions as a rating tool for examiners is not unique to the NRO. Of the three polygraph organizations with which we benchmarked, one used admissions collected as a rating metric for examiner performance. However, PMB managers should reevaluate their approach of using admissions as a rating tool as this may lead to some examiners posing out-of-scope questions in an attempt to garner more admissions to ensure a higher performance rating.

⁴⁸ (U) Details on our sampling methodology can be found in the Objectives, Scope, and Methodology section.

⁴⁹ ~~(U//FOUO)~~ The objective was first incorporated into performance plans in FY 2010 and FY 2011 for the CIA and the DoD examiners, respectively.

⁵⁰ ~~(U//FOUO)~~



(U) Recommendation #5 for the Director, OS&CI: Re-evaluate PMB's overall approach in the use of polygraph admissions as a measurement for polygraph examiner performance.

(U) OS&CI Response: The Director, OS&CI concurred with Recommendation #5. PMB is in the process of revising its objectives with an emphasis being placed on quality.

III. (U) Confrontational PMB Management Environment

~~(U//FOUO)~~ Polygraph examiners assigned to the NRO HQ consistently described what they characterized as a "toxic" work environment created by management within PMB. This appears to be a long-standing problem. A Climate Survey of PMB was conducted in FY 2010 due to complaints and perceived discontent between the examiners and management. The survey revealed widespread discontent and low morale throughout the branch as well as a dysfunctional office environment. Employee concerns at that time included passive-aggressive behaviors, displays of personal dishonesty, vocalized disrespect, perceived harassment, threats, and signs of depression. We found that many of the concerns raised in the 2010 Climate Survey continue to exist. More specific concerns regarding the NRO Polygraph Program work environment are contained in Appendix G: Limited Distribution – Management Concern.

(U) SHORTFALLS EXIST WITHIN NRO ADMINISTRATIVE PROCESSES

~~(U//FOUO)~~ We identified shortfalls within the NRO SIP and records management procedures. These shortfalls have resulted in SIPs without proper authorization documentation, the inability of the NRO to accurately track internal records, and privacy and classification issues surrounding the use of unapproved forms.

(U) Specific Issue Polygraph Requests are Incomplete

~~(U//FOUO)~~ SIPs are polygraph examinations conducted to resolve a specific issue to include issues developed in connection with a personnel security investigation or related adjudication. NRO policy requires the AB to properly request, authorize, and maintain documentation for SIPs because these exams address issues that fall outside the scope of a CSP examination. We found wide variations in SIP request documentation. This was due to a lack of consistent NRO policy and training related to properly documenting SIP requests. Without proper documentation, examiners and examinees⁷ may perceive that the NRO is exceeding its authorities by addressing issues beyond the scope of CSP testing without proper approval.

~~(U//FOUO)~~ Since SIP authorization requirements are inconsistent across PSD, the review team deemed a SIP "authorized" if documentation in the security file demonstrated that the Chief, AB or the Deputy Chief, AB authorized the SIP request, and the examinee consented to the SIP prior to the examination. In our review of 40 SIP cases, we found six SIP requests that lacked appropriate authorization documentation.⁵¹ Five of the six cases contained memorandums discussing the SIP, but did not include the required authorization by the Chief or Deputy Chief, AB. In the last case, the SIP was administered prior to the date of its authorization. We also

⁵¹ ~~(U//FOUO)~~ PMB provided documentation that identified PMB did not unilaterally conduct these SIPs.

found the following discrepancies with 15 of the remaining 34 SIPs in our sample:

- 4 SIPs were authorized but undated;
- 10 SIPs were authorized by an acting Deputy Chief, AB; and
- 1 SIP lacked documentation to establish the examinee had consented to the SIP prior to its administration.

~~(U//FOUO)~~ We noted inconsistent policies and training across the PSD as primary causes for these SIP shortfalls. The PSD Policy Directive, *Use of SIP in the Adjudicative Process*, states that the authorization of SIP requests will be delegated to the Chief or Deputy Chief, AB, and that the examinee must consent to the SIP prior to testing. In contrast, AB training discusses the requirement for a SIP Memorandum for the Record (MFR) containing the issues driving the SIP request, along with Deputy Chief, AB approval. PMB guidance, on the other hand, requires that the SIP request include the Chief, AB approval, but does not identify the Deputy Chief, AB as an approval authority.

~~(U//FOUO)~~ Without consistent guidance, the NRO will continue to generate insufficient SIP documentation, which can lead to unauthorized SIPs. These inconsistencies will perpetuate the misperception that examiners are exceeding their authorities in addressing issues beyond the scope of CSP testing, and potentially impact the privacy rights of examinees by requiring them to address otherwise personal issues in an unauthorized polygraph examination.

(U) Recommendation #6 for the Director, OS&CI: Update the various existing policies (i.e., the PSD Policy Directive and PMB guidance) to ensure that they provide a consistent policy for SIP request documentation and ensure the pertinent OS&CI workforce is trained in the implementation of the policy.

(U) OS&CI Response: The Director, OS&CI concurred with Recommendation #6.

(U) File Plans are Outdated and Incomplete

~~(U//FOUO)~~ We found that the PMB had not reviewed or updated its Records Management File Plan since December 2006.⁵² The ND 56-1, *Records Management*, identifies that the NRO is to ensure its Records Management Program complies with applicable laws, regulations, and Executive Orders using file plans to document both physical and electronic records. Each office appoints a Program Records Officer (PRO) to conduct an office inventory and identify the records for the file plan. The PRO is to review the file plan every 12 to 18 months and determine if revisions are required. The assigned Information Management and Technical Officer (IMTO) approves the file plan and any updates.

~~(U//FOUO)~~ While the file plan was out-of-date, the PRO believed that the current PMB management had a good system in place for records maintenance. However, we found substantial weaknesses in the PMB records management program. We found that the PMB file

⁵² ~~(U//FOUO)~~ File Plan dated 19 December 2006 was created as a result of a recommendation issued under the OIG's 2005 Final Inspection Report of the Polygraph Management Branch (Project # 2005-003N) to develop and maintain a file plan.

plan did not identify all records that support the polygraph program. Unidentified records include shared folders, video tapes, and digital recordings of polygraph examinations. Some polygraph records were misplaced and/or destroyed without documented rationale. One spreadsheet maintained by PMB to track archived tapes included duplicate and erroneous polygraph file numbers. Finally, there is no standardization in the way tapes were labeled to include the appropriate security classification. Failure to maintain an effective and robust records management program may result in erroneous classification markings, the inability to provide efficient record maintenance and retrieval, and an overall lack of compliance with internal and external mandates.

(U) Recommendation #7 for the Director, OS&CI: Conduct an inventory of all records, regardless of format, and establish controls to ensure proper records maintenance and disposition. Update the File Plan accordingly.

(U) OS&CI Response: The Director, OS&CI concurred with Recommendation #7.

(U) Unapproved Forms are Utilized

~~(U//FOUO)~~ We also found that PMB relies on several unapproved forms to document information related to the polygraph program. NRO Instruction (NI) 56-1-4, *Forms Management*, states, "All NRO employees shall ensure standardized forms are used to the maximum extent possible to ensure efficiency and protect Personally Identifiable Information (PII)." The NRO Forms Management Program (FMP) Office provides continuity in form design procedures from initial creation through completion, approval, and maintenance of each official NRO form. According to NI 56-1-4, "NRO forms must satisfy a valid mission need," and NRO employees are required to coordinate all new and revised office-created forms and obtain approval from the FMP Office prior to use.

~~(U//FOUO)~~ We found that the following unapproved forms used by PMB identify PII or require an individual to furnish PII to the NRO and do not contain the appropriate Privacy Act statement for collection of personal information.

- Consent for Polygraph Examination (PMB Form 1)
- Declination Statement to CSP (PMB Form 11)
- Authorization to Release Medical Information (PMB Form 20)
- Counterintelligence Polygraph Examination Form (No form number)
- SIP Request Memorandum For the Record (No form number)
- Receipt For Property – Chain of Custody (No form number)

~~(U//FOUO)~~ We determined that the PRO was aware of the PMB forms, some of which have existed prior to 2004, yet there is no evidence to support any communications between the form owner and the FMP Office, as required by NI 90-1-2, *Records Maintenance and Use*, to ensure the forms were approved for use. The PMB must ensure that forms used to support the polygraph program comply with NRO policies and procedures, and forms used to collect PII include the appropriate Privacy Act Statements. Privacy Act Statements notify employees about the information to be collected and define how it will be used. Failure to coordinate and obtain

approval of locally produced forms with the NRO FMP Office may result in the inadvertent release of PII and noncompliance with the Privacy Act as well as Records Management requirements.

(U) Recommendation #8 for the Director, OS&CI: Conduct an inventory of all office-created forms and ensure required coordination/approval from the NRO Forms Management Office is obtained prior to further use.

(U) OS&CI Response: The Director, OS&CI concurred with Recommendation #8.

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(U) APPENDIX A: Acronym List

(U) AB	Adjudications Branch
(U) APICS	Access Polygraph Investigative Collection System
(U) CIA	Central Intelligence Agency
(U) CSP	Counterintelligence Scope Polygraph
(U) DCHC	Defense Counterintelligence HUMINT Center
(U) DIA	Defense Intelligence Agency
(U) DNI	Director of National Intelligence
(U) DNRO	Director, National Reconnaissance Office
(U) DoD	Department of Defense
(U) DoDD	Department of Defense Directive
(U) DoDI	Department of Defense Instruction
(U) DoDIG	Office of Inspector General, Department of Defense
(U) ESS	Expanded Scope Screening Polygraph
(U) FMP	Forms Management Program
(U) FY	Fiscal Year
(U) HQ	Headquarters
(U) IC	Intelligence Community
(U) ICD	Intelligence Community Directive
(U) IC IG	Intelligence Community Inspector General
(U) IMTO	Information Management and Technical Officer
(U) IT	Information Technology
(U) MFR	Memorandum for the Record
(U) NCCA	National Center for Credibility Assessments
(U) ND	NRO Directive
(U) NI	NRO Instruction
(U) NGA	National Geospatial-Intelligence Agency
(U) NMIS	NRO Management Information System
(U) NRO	National Reconnaissance Office
(U) OGC	Office of General Counsel
(U) OI	Operating Instruction
(U) OIG	Office of Inspector General
(U) OS&CI	Office of Security and Counterintelligence
(U) PDD	Psychophysiological Detection of Deception
(U) PII	Personally Identifiable Information
(U) PLC	Probable Lie Comparison
(U) PMB	Polygraph Management Branch
(U) PRO	Program Records Officer
(U) PSD	Personnel Security Division
(U) QA	Quality Assurance
(U) QC	Quality Control
(U) SCI	Sensitive Compartmented Information
(U) SIP	Specific Issue Polygraph
(U) USC	United States Code
(U) USD(I)	Under Secretary of Defense for Intelligence

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(U) APPENDIX B: Summary of Recommendations and Considerations

(U) Recommendations

(U) Recommendation #1 for the Director, OS&CI: Update existing policy to clarify/specify for whom and when polygraph testing is required as part of the initial security vetting process at the NRO.

(U) Recommendation #2 for the Director, OS&CI: Update the polygraph operating guidance to ensure comprehensiveness. This guidance should provide the NRO requirements for conducting polygraphs and include detailed instructions for general appeals as well as handling admissions and disqualifying information obtained during a polygraph.

(U) Recommendation #3 for the Director, OS&CI: Enhance the in-house polygraph training program and ensure the program is accessible by polygraph examiners at all locations.

(U) Recommendation #4 for the Director, OS&CI: Conduct a comprehensive review of the polygraph quality assurance program and update the policy to reflect program changes.

(U) Recommendation #5 for the Director, OS&CI: Re-evaluate PMB's overall approach in the use of polygraph admissions as a measurement for polygraph examiner performance.

(U) Recommendation #6 for the Director, OS&CI: Update the various existing policies (i.e., the PSD Policy Directive and PMB guidance) to ensure that they provide a consistent policy for SIP request documentation and ensure the pertinent OS&CI workforce is trained in the implementation of the policy.

(U) Recommendation #7 for the Director, OS&CI: Conduct an inventory of all records, regardless of format, and establish controls to ensure proper records maintenance and disposition. Update the File Plan accordingly.

(U) Recommendation #8 for the Director, OS&CI: Conduct an inventory of all office-created forms and ensure required coordination/approval from the NRO Forms Management Office is obtained prior to further use.

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(U) APPENDIX C: Key McClatchy Articles

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National Reconnaissance Office Accused Of Illegally Collecting Personal Data

By Marisa Taylor, McClatchy Newspapers, 10 July 2012

WASHINGTON — One of the nation's most secretive intelligence agencies is pressuring its polygraphers to obtain intimate details of the private lives of thousands of job applicants and employees, pushing the ethical and legal boundaries of a program that's designed instead to catch spies and terrorists.

The National Reconnaissance Office is so intent on extracting confessions of personal or illicit behavior that officials have admonished polygraphers who refused to go after them and rewarded those who did, sometimes with cash bonuses, a McClatchy investigation found.

The disclosures include a wide range of behavior and private thoughts such as drug use, child abuse, suicide attempts, depression and sexual deviancy. The agency, which oversees the nation's spy satellites, records the sessions that were required for security clearances and stores them in a database.

Even though it's aggressively collecting the private disclosures, when people confess to serious crimes such as child molestation they're not always arrested or prosecuted.

"You've got to wonder what the point of all of this is if we're not even going after child molesters," said Mark Phillips, a veteran polygrapher who resigned from the agency in late May after, he says, he was retaliated against for resisting abusive techniques. "This is bureaucracy run amok. These practices violate the rights of Americans, and it's not even for a good reason."

The agency refused to answer McClatchy's questions about its practices. However, it's acknowledged in internal documents that it's not supposed to directly ask more personal questions but says it legally collects the information when people spontaneously confess, often at the beginning of the polygraph test.

After a legal review of Phillips' assertions, the agency's assistant general counsel Mark Land concluded in April that it did nothing wrong. "My opinion, based on all of the facts, is that management's action is legally supportable and corrective action is not required," he wrote.

But McClatchy's review of hundreds of documents – including internal policy documents, memos and agency emails – indicates that the National Reconnaissance Office is pushing ethical and possibly legal limits by:

- Establishing a system that tracks the number of personal confessions, which then are used in polygraphers' annual performance reviews.
- Summoning employees and job applicants for multiple polygraph tests to ask about a wide array of personal behavior.
- Altering results of the tests in what some polygraphers say is an effort to justify more probing of employees' and applicants' private lives.

Various national security experts, including those who support the use of polygraph in general for security screening, said they were disturbed by what McClatchy found, especially considering that the number of polygraph screenings has spiked in the last decade.

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"There's a narrow jurisdiction for a polygraph program, which is to promote security," said Steven Aftergood, a senior analyst with the Federation of American Scientists, a nonpartisan research center that tracks intelligence policies. "When agencies exceed their authority, they not only violate the privacy of employees, they corrupt the entire process."

The dispute is part of a long-running debate over the proper use of polygraph by the federal government in screening employees, when it's not known whether the machine can detect the difference between a lie and the truth or simply registers an emotional response.

In 2002, the National Academies, the nonprofit institute that includes the National Academy of Sciences, concluded that the federal government shouldn't use polygraph screening because it was too unreliable.

Yet since then, in the Defense Department alone, the number of national-security polygraph tests has increased fivefold, to almost 46,000 annually. Many of those who are required to undergo the tests aren't just bureaucrats in Washington but also private contractors across the country.

Federal agencies say the information gathered during polygraph screenings helps them root out undesirable and even dangerous employees who otherwise wouldn't be detected during routine background investigations, which often are described as expensive and time-consuming.

But some national security experts question whether U.S. agencies are striking the appropriate balance between protecting Americans' privacy rights and the nation's security interests as agencies are being permitted to ask what could be seen as more intrusive questions.

Last month, the Obama administration announced that federal agencies, including the National Reconnaissance Office, now may ask employees and applicants during polygraph screenings whether they've leaked classified information to the news media.

"If a whole program is susceptible to manipulation, then relying on it further is all the more disturbing," Aftergood said.

The National Reconnaissance Office orders the second highest number of screening polygraphs in the Pentagon, conducting about 8,000 a year at its headquarters in Chantilly, Va., and at locations in Los Angeles and the Silicon Valley area.

The agency's is among eight Pentagon polygraph programs that under Defense Department policy can directly ask only about national security issues in what's known as the counterintelligence scope polygraph. The test was designed to catch spies and terrorists who are trying to infiltrate the government without encroaching unnecessarily on the private lives of government employees and military personnel. Polygraphers are allowed to ask about espionage, terrorism, sabotage and the unauthorized sharing of classified information.

But about five years ago, the National Reconnaissance Office began pressuring polygraphers to pursue information outside those limits in what amounted to an unwritten policy, said a group of polygraphers who agreed to describe the practices to McClatchy. The polygraphers include Phillips, a former Marine who worked for a number of intelligence agencies over two decades, and a former National Reconnaissance Office colleague, Chuck Hirshaw.

Both agreed to be named because they think the agency's practices violate Defense Department policies and should be stopped.

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Other polygraphers backed their accounts, but they asked to remain anonymous because they feared retaliation. "I was coached to go after this stuff," one of the polygraphers said. "It blew my mind. They were asking me to elicit information that I'm not permitted to ask about, and I told them I wasn't going to do it."

Another longtime polygrapher said the National Reconnaissance Office had established an off-the-books policy that encouraged going after prohibited information.

"The organization says in writing that they're not supposed to be asking about this information, when in fact behind closed doors they are pushing (polygraphers) to actively pursue it," the polygrapher said.

Hinshaw, who said he'd witnessed the improper practices as a former acting supervisor, accused the agency of becoming so cavalier about following the rules that the polygraph branch chief, Michael McMahon, pressured him to change the results of the agency director's polygraph if he failed the test. In the end, director Bruce Carlson passed, but Hinshaw said the incident demonstrated how the agency's use of polygraph was arbitrary and wasn't about protecting the country.

McMahon didn't respond to emails and phone messages from McClatchy inquiring about the incident.

"There's a line you have to draw," said Hinshaw, who worked in the program from 2005 until earlier this year. "The original idea for using polygraph to clear people was to ferret out moles and spies. Now it's morphing into an ambiguous exam where anything's possible."

The National Reconnaissance Office, meanwhile, has branded Phillips and Hinshaw troubled employees. Before Phillips resigned, the agency suspended him for three days, saying he was insubordinate, among other complaints, and it revoked Hinshaw's security clearance earlier this year, citing his foreclosure on his family home.

Both men said they thought the agency had retaliated against them for trying to resist the polygraph practices, and records show that they'd voiced their concerns before the agency took action against them. The Pentagon's inspector general is investigating Phillips' complaint.

But even if the agency were found to be violating Pentagon policies, the laws that limit the government's use of polygraph in screening aren't specific on what constitutes an illegal abuse. The Privacy Act of 1974 requires that the government collect only personal information that's necessary and relevant, and a 1981 presidential directive calls for "the least intrusive collection techniques feasible."

Much of the interpretation of what that means has been left to the federal departments that run the polygraph programs.

"Some polygraph programs have been getting away with all sorts of abuses for years," said Mark Zaid, an attorney for Phillips who's been handling national security cases for 20 years. "It's very difficult to hold them accountable."

Why is the National Reconnaissance Office interested in such private details? In internal documents and emails, supervisors told polygraphers they felt pressure from the officials known as adjudicators, who make the final decisions on national security clearances.

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The agency's motives, however, are more complicated, some of the polygraphers said.

The Pentagon's test is so restricted to counterintelligence issues that it's notorious among polygraphers for compelling admissions of mundane and ultimately harmless infractions. One of the most common confessions involves harried bureaucrats who admit to taking classified documents home by mistake. By collecting confessions to repulsive or criminal behavior, officials can justify using polygraph screenings to their bosses, Congress and a skeptical public despite questions about the test's reliability, the polygraphers said.

As a result, the National Reconnaissance Office closely tracked how many personal confessions it collected. The agency called them "Code 55 admissions," the records show.

In fiscal year 2011, almost 50 percent of the 757 confessions the agency collected were of the personal nature that the rules said shouldn't be directly pursued, the agency's statistics show. Of 33 polygraphers, one-third collected more confessions related to personal behavior than to national security violations.

Other polygraph programs, such as those in the Naval Criminal Investigative Service, also conduct limited national-security polygraph screenings, but in an entire year their polygraphers may not encounter any confessions that are outside the limits of the test. It's a rare occasion when someone blurts it out without prompting, officials said.

"If an agency is getting a big portion of its confessions that are outside the limits, it's an indication that they're going on fishing expeditions," said John Sullivan, a former CIA polygrapher of 30 years. "And if they're doing that, it's wrong and being done under false pretenses."

Phillips and Hinshaw accused the polygraph program's branch chief, McMahon, of encouraging improper practices.

Within the intelligence world, only the CIA and the National Security Agency are permitted to directly ask about drug use, unreported crimes and falsification of the forms filled out for national security clearances, which require a wide array of personal information. The tests are known as lifestyle polygraphs.

Late last year, the Pentagon discovered that the National Reconnaissance Office had ordered five of the lifestyle tests in violation of Defense Department policies, according to an internal report obtained by McClatchy. The agency then claimed to have the legal authority to do so, when it was supposed to be asking only national security questions designed to catch spies and terrorists, the report said. The Pentagon concluded that the program was in "full compliance" because the agency said it was a mistake.

Polygraphers, however, say the agency's pursuit of the off-limits information is much more widespread than the Pentagon's report noted. Records show that the agency ordered at least one more lifestyle test after it was told to stop.

The agency also pursues the information in its routine counterintelligence tests, polygraphers said. In one instance last year, Phillips' supervisors told him to "assess" the mental health of an applicant during a polygraph test, records show. Phillips said he'd refused to do it.

As a result of its efforts, the agency ends up with a vast accumulation of personal details of questionable national-security significance, polygraphers said.

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Last September, a woman who'd held a clearance for more than 15 years and already had passed a national security polygraph was interrogated for more than four hours over two additional polygraph sessions, said Hinshaw, who said he'd been ordered to do it. Hinshaw's supervisors launched the aggressive inquiry because they suspected that the woman had smoked pot more than the one time years before that she'd admitted to, records show. In the end, however, the only other information the National Reconnaissance Office extracted from her was that she'd been molested at age 16.

Hinshaw said he'd received thousands of dollars in bonuses over several years in part because he'd collected a high number of confessions, including the more personal ones.

Phillips, on the other hand, had a much lower collection rate and received negative performance reviews. His supervisors cited his reluctance to collect the Code 55 information as part of the reason for their dissatisfaction with him.

"There are ways of leading people into making these admissions even though you're not supposed to," Phillips said. "By setting up a system that gives polygraphers an incentive to go after the information, the agency is pressuring them to collect it."

Despite the agency's interest in criminal behavior, those who confess to serious offenses aren't always criminally prosecuted even when child molestation is involved, McClatchy found.

In one case, a contractor who was a former Escondido, Calif., substitute teacher admitted to molesting a third-grade student in 2005 during outside tutoring sessions paid for by the girl's immigrant parents. In a 2010 polygraph session, the man said that if he were asked, "Have you ever molested a 9-year-old?" I'd have to say yes."

The Escondido Police Department and school district where he'd been employed weren't notified of the incident. After being contacted by McClatchy, the school district called the Escondido Police Department to file a report. When National Reconnaissance Office polygraphers asked supervisors in a meeting last summer why people weren't being arrested on the spot after such confessions, they were told that the allegations were referred to the appropriate authorities, Phillips and Hinshaw said.

The agency refused to answer McClatchy's questions about the molestation confession, saying in a statement only that its polygraph program "is in compliance with the law."

National Reconnaissance Office statement on its polygraph program

"The National Reconnaissance Office directs, manages and oversees appropriate investigative inquiries, including polygraph, for the purposes of rendering informed security access determinations. Such inquiries and determinations are in full compliance with the law and provide the security compliance required to best protect and further Intelligence Community program activities and objectives.

"If adverse information is disclosed during the administration of a polygraph examination the information is evaluated and forwarded to the appropriate authorities. For Privacy Act purposes the NRO has a policy of not commenting on specific cases.

"The National Center for Credibility Assessment (NCCA), Quality Assurance Program (QAP), conducted an on-site inspection of the NRO Polygraph Program on November 15-17, 2011. During the QAP inspection, 118 criteria in nine primary areas were reviewed. Upon conclusion of

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the inspection, the NRO Polygraph program was found to be in full compliance with their policies and procedures and met or exceeded all standards required of a federal government polygraph program."

Tish Wells contributed to this article.

**National Reconnaissance Office Hasn't Told Police Of Crime Confessions
By Marisa Taylor, McClatchy Newspapers, July 10, 2012**

WASHINGTON — The nation's spy satellite agency has been extracting polygraph confessions to crimes such as child molestation but local law enforcement agencies aren't always told so that they can investigate.

For instance, a former California substitute teacher who agreed to a polygraph test so he could get a national security clearance with the National Reconnaissance Office admitted in 2010 to molesting a girl who was his student at the time. The federal contractor said that if he were asked, "Have you ever molested a nine-year-old?" I'd have to say yes," an internal document says.

McClatchy checked with the police department and school district in Escondido, Calif., where the man once worked and discovered that neither had been notified of the 2005 incident involving a third-grader.

In a polygraph session with the spy agency in 2010, a man who was then an Air Force lieutenant colonel confessed to downloading child pornography on his Pentagon computer and to touching a child in a sexual way, records obtained by McClatchy show.

"He worried that because of his feelings toward children, he could be accused of being like 'Michael Jackson,'" a document says. "He did make it clear that viewing nude children between the ages of three and fourteen was sexually appealing to him."

The lieutenant colonel said he'd sexually touched the child in Stafford, Va., where the county sheriff's department has jurisdiction. The department wasn't notified, spokesman Bill Kennedy said.

The Air Force Office of Special Investigations, which could have investigated the downloading of child pornography, also wasn't informed. "I have nothing on it," Air Force OSI spokeswoman Linda Card said about the lieutenant colonel, who retired last August. It's unclear whether the Justice Department was notified. When McClatchy asked about it, spokeswoman Alisa Finelli said the department was "reviewing its records."

The federal government's failure to notify local law enforcement in these two cases comes after revelations that Penn State officials may have withheld suspicions that former assistant football coach Jerry Sandusky was molesting children. Sandusky was convicted last month of sexually abusing 10 boys.

The National Reconnaissance Office, which oversees spy satellites, conducts an aggressive and controversial polygraph program aimed at screening employees and job applicants from across the country for security clearances. The agency refused to answer McClatchy's questions about its polygraph program, saying in a statement that "The NRO polygraph program is in compliance with the law" and the confessions were "forwarded to the appropriate authorities," but officials declined to say whom they notified.

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As soon as Escondido school district officials heard from McClatchy about their former substitute's confession, they reported it to the police. In Virginia and California, where the two cases of molestation were said to have occurred, a wide range of state and local government officials who have contact with children are required to report child abuse. The National Reconnaissance Office is in Fairfax County, Va.

"I'm not sure what this agency feels its obligations are under the law," said Bob Leon, the Escondido school district's deputy superintendent for human resources. "But in my opinion, it's important in any situation where children might be in a precarious situation that the information be shared so we can follow up on it."

The National Reconnaissance Office reported that it had 366 confessions ranging from crimes to inappropriate personal behavior in fiscal year 2011, according to statistics obtained by McClatchy.

McClatchy couldn't determine how many of them involved serious crimes nor how often the agency had failed to report them, because the details of the polygraph program are not disclosed.

Polygraphers who worked in other government agencies said someone who confessed to a serious crime during a polygraph session generally would be arrested or investigated so that any criminal evidence could be secured. In a child pornography case, for example, investigators would want to seize computer evidence. After an admission of child abuse, police and child protective services would want to investigate as soon as possible to ensure that children weren't in immediate danger.

The National Reconnaissance Office has an agreement with Fairfax County's police department that allows for referrals of serious criminal confessions when it deems it's warranted. But the police department didn't have any information about the child abuse confessions, said Don Gotthardt, a department spokesman.

When contacted by McClatchy, the retired lieutenant colonel confirmed being polygraphed but denied confessing to such crimes.

"I need to go and talk to some other people before I can say anything else to you," he said. "I don't know what this is about. I don't know what's going on."

He said he'd call the reporter back. His answering machine then was disconnected the next day, and he never called.

McClatchy tried repeatedly to contact the former substitute teacher and left messages on his phone and with his wife. He left a message last week on a reporter's voice mail confirming that he was the contractor but said, "I can't imagine how I would be implicated in a crime." He added that he was "moving out of state and don't know when I'll be back."

The substitute teacher said during the agency's polygraph that he'd molested the girl during one of the tutoring sessions that were paid for by her Vietnamese parents. He was supposed to be teaching her English.

He admitted to "observing girls in third, fourth, fifth and sixth grades in a sexual manner" during his time as a substitute, agency documents say.

The lieutenant colonel told the agency's polygrapher that he'd learned how to avoid detection while viewing child pornography from a computer technician who was looking into a subordinate's

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reprimand for downloading porn. The officer confessed to masturbating at work after viewing the images.

The documents don't indicate and the agency wouldn't say whether the men received security clearances.

McClatchy isn't revealing the two men's names because the confessions weren't criminally investigated and the polygraphs weren't conducted by law enforcement officials.

In 2010, news media reported that dozens of military officials and defense contractors were found to have downloaded child pornography, but many of them weren't investigated by the Pentagon even though it had been notified of the practice years before.

One of the employees worked at the National Reconnaissance Office. The agency had been tipped off in 2006 that the employee allegedly had been trafficking in child porn. "However, the decision was made internally to only address the issue" at the employee's next security clearance renewal in 2008, Pentagon inspector general records show. In 2008, the employee confessed to the agency that he viewed child porn about twice a week from home. By the time federal prosecutors were informed in June 2009, the contractor had moved out of state and authorities couldn't find records of the downloaded purchases.

When National Reconnaissance Office polygraphers asked supervisors in a meeting last summer why people weren't being arrested on the spot after confessing to molestation, they were told that the allegations were referred to the appropriate authorities when warranted, several former polygraphers who attended the meeting said. Two of the polygraphers, Mark Phillips and Chuck Hinshaw, said several polygraphers at the agency have questioned whether it was handling confessions to crime appropriately. Both men have since left the agency and now think that they were retaliated against for objecting to the practices.

To prosecute a polygraph confession, criminal investigators often must collect more evidence or get an admission to a crime during a separate interrogation. Agencies such as the National Reconnaissance Office inform people who are polygraphed voluntarily during employment screenings that any such admission might be referred to law enforcement authorities. However, polygraphers generally don't inform them of their constitutional rights, as criminal investigators often are required to do. In the lieutenant colonel's case, the polygrapher was supposed to inform him of his rights under military law but did not, the records show. Many courts don't allow polygraph evidence because it isn't scientifically reliable, and prosecutors might determine that charges can't be filed even if there's a confession.

But several National Reconnaissance Office polygraphers who spoke to McClatchy, including Phillips and Hinshaw, questioned whether the agency was routinely withholding that it was obtaining such confessions to protect itself from outside scrutiny. A criminal prosecution would mean that the suspect's defense attorney would have access to taped interviews and notes of the polygraph sessions, and might question the agency's techniques at a time when some of its polygraphers already were accusing it internally of improper practices.

The Pentagon has told the National Reconnaissance Office that it doesn't have the authority to ask directly about crimes during its polygraph screenings. It's supposed to directly ask only about national security issues such as spying and terrorism.

Yet the agency compelled a job applicant in January to confess to stealing a lipstick and smoking pot once when she was a teenager, documents show. Adding to questions about the agency's

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practices, the 35-year-old woman already had gone through a polygraph in 2010 aimed at the national security issues the agency is permitted to ask about.

The National Security Agency, which along with the CIA is allowed to directly ask questions about criminal conduct in polygraph tests, is known for being aggressive about referring molestation and child pornography cases to local and state officials.

Tish Wells contributed to this article.

National Reconnaissance Office View: Whistleblower Is Merely A Malcontent

By Marisa Taylor, McClatchy Newspapers, July 10, 2012

WASHINGTON — Mark Phillips wanted out of the spy business. He was so fed up with petty intrigue that some days he imagined walking out of his windowless office and never coming back.

Then, one morning last January, the veteran polygrapher who handled national security clearances got an assignment that would upend his life. "This is a PRIORITY special request," the paperwork read. "Make a thorough assessment of subject's mental health."

The orders contradicted everything he'd been taught about the ethical and legal limits of polygraphing. Phillips refused to do it.

His decision that day pitted him against a secretive and little-known U.S. agency and prompted him to accuse his bosses of illegally prying into Americans' private lives.

The agency has a different view. The National Reconnaissance Office sees Phillips as a malcontent who took matters into his own hands for questionable reasons.

McClatchy pulled together the story of the internal struggle based on interviews with Phillips and Chuck Hinshaw, a former colleague who also was troubled by the polygraph practices. The account also draws from interviews with more than a dozen others in the usually secretive polygraph world and hundreds of agency documents, including performance reviews, policy papers and memos in which the agency argues its case.

Their dispute is unfolding as the Obama administration moves aggressively to prosecute self-proclaimed whistleblowers, asserting that they're endangering national security by revealing the government's secrets.

The National Reconnaissance Office declined to respond to McClatchy's questions, saying only that its polygraph program "is in compliance with the law."

When Phillips joined the agency at the end of 2009, he already had worked for a long list of spy agencies over two decades.

But even in intelligence circles, the secrecy at the National Reconnaissance Office was impressive. Created in 1961 as the keeper of spy satellites, it was one of the last federal agencies to be acknowledged by the U.S. government.

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Its classified budget is estimated to be \$10 billion a year. Even so, it didn't have its own staff. It relied on employees loaned from the Air Force and the CIA, creating an unusual union between the military and a spy agency.

An Air Force civilian and former Marine, Phillips saw his job of polygraphing applicants and employees as largely straightforward. He was supposed to ask them about spying, terrorism and the disclosure of classified information.

His bosses, however, seemed to think otherwise.

"We are not only testing to catch 'spies,' " his supervisor wrote to him after one of his polygraphs. "As security officers we have a responsibility that drives us to actively search out any and all violations and concerns an individual may have coming into the room."

Phillips wondered what that meant. In the intelligence world, Congress permitted only the CIA and the National Security Agency to use such broad polygraph tests to decide whether to give clearances. In so-called "lifestyle" polygraphs, those two agencies could ask a host of personal questions, including about crimes, psychological problems and financial troubles.

Hinshaw, a National Reconnaissance Office polygrapher since 2005, also noticed the difference from other agencies. But he saw his job as a balancing act. He first tried to establish rapport and then move to root out a secret.

Hinshaw's bosses considered him good at what he did. By 2008, the agency had made Hinshaw an acting supervisor. Like other well-regarded polygraphers there, he received thousands of dollars in bonuses for the confessions he collected.

The office began pushing its polygraphers to extract as many confessions as possible. Every four months, supervisors showed them their confession rates. The agency also posted each polygrapher's numbers internally for everyone to see. It praised polygraphers who had high rates or coaxed out especially shocking confessions.

The routine, however, began to worry some polygraphers. They were being told to collect much more intimate information about people than they thought was legal. Some of them voiced their objections. "You guys are killing me with all these emails," a supervisor told them.

In June 2011, the supervisor set up training for the "elicitation" of such details. A group of veteran polygraphers again complained to their supervisors. Everyone is confused, they said. If we have the authority to do what we're doing, show us. The supervisors maintained that everything they were doing was legal.

Hinshaw left the meeting unsettled. He once had reassured himself that he'd never crossed the line. He began to wonder whether that was really true.

Later that year, Hinshaw's supervisor handed him a file with unusual instructions: "Don't show this to anyone."

It was a request for a prohibited lifestyle polygraph.

When Hinshaw asked whether it was allowed, he was told not to worry. So he tried not to. He did the test and the contractor passed.

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But the special requests continued.

One morning, a middle-aged woman came in for a standard counterintelligence polygraph.

The contract employee had passed the National Reconnaissance Office's polygraph almost 15 years before. But after she'd taken the job, she applied to the CIA. During the CIA's test, she admitted that she'd smoked pot once in the last four years.

Hinshaw asked her about her drug use in passing. But she denied smoking pot since, so he moved on. He posed the usual counterintelligence questions. She passed without a problem. He sent the file on expecting to never see it again.

Soon afterward, his supervisors approached him with questions about his approach. Why hadn't he pursued the drug issue? She could be hiding more.

They decided to bring her back for a second polygraph session. The test, known as a specific issue polygraph, would seek more information about her possible drug use. Policies required them to be specific to one topic, not a fishing expedition.

But no matter how Hinshaw approached the question, she wouldn't confess to further drug use.

"Come on," he thought. "Admit it."

As he continued to probe, his instinct told him she was hiding something else, perhaps another secret related to drug use. He knew that at other agencies he would have let it go. But now he nudged her more.

Finally, she hinted at something she didn't want to talk about. Slowly, it came out. One relative was a "terrible man." She mentioned something he'd done to her when she was 16 years old.

"There were other girls," she told Hinshaw. She began sobbing.

Hinshaw then realized: She'd been molested.

"I understand," he told her.

She looked at him through tears. "Do you?" she asked.

Hinshaw decided it was time to shut it down. He'd gotten all he could.

But his supervisor had another idea. He demanded that Hinshaw continue the questioning: "Go back in there and get details."

By then, the questioning had gone on almost four hours.

"You don't understand," he told them. "This woman needs help."

Three supervisors continued to pressure him. If you don't go, we'll send someone else in.

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Hinshaw worried that another polygrapher would push her over the edge. But he couldn't bring himself to continue. Exhausted and unnerved, he refused. They sent in another polygrapher. But they never got anything more.

Hinshaw thought the agency had gone too far. Polygraphers squeezed every personal secret out of people without regard for the consequences. He questioned whether the government needed to know such details to keep the country safe.

Most people have personal humiliations they don't want anyone to know about. Hinshaw knew that firsthand. He was supposed to tell the agency about financial troubles he was facing. Like many Americans, his house had plummeted in value. He and his wife had decided to proceed to foreclosure.

But he waited to tell the agency. After he eventually did months later, in late 2011, the agency revoked his security clearance, which meant he couldn't work there anymore. The agency thought he no longer could be trusted.

Hinshaw, 45, knew his career was probably over. He also realized he didn't want to return to the National Reconnaissance Office.

Phillips, however, became determined to prove that the agency was wrong. He hunted down its policies and discovered that it had agreed to follow Pentagon polygraph rules.

"I've got them," he thought.

His test was supposed to be about national security. As a result, all questions were supposed to have a "relevance to the subject of the inquiry," the Pentagon rules said. It shouldn't be pressuring polygraphers to go after personal information, Phillips concluded.

But when he made the same argument to a top agency official, Sharon Durkin, her response surprised him. She asserted that the agency relied on the same legal authorities as the CIA. If that were true, the National Reconnaissance Office had no such limits. Without hesitation, she also confirmed that the agency had authorized lifestyle tests.

Phillips kept pressing. He wrote a memo that went to the agency's attorney. He complained to an Air Force manager. All told, at least 10 officials within the agency and the Pentagon were made aware of his concerns.

Once deemed an "asset to the program," Phillips became known as a troublemaker. He became openly defiant, expressing his criticism in front of supervisors and colleagues. In a meeting with other polygraphers, a supervisor gestured at him and called his questions "a cancer on the program."

The criticism in his annual reviews was more restrained but just as clear.

"Instead of spending time trying to improve his information collection skills, Mr. Phillips has spent an inordinate amount of time documenting, making complaints and arguing why he believes our program is collecting information in violation of (Pentagon) regulations.

"His accusations are without merit."

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Top polygraph officials started observing his sessions regularly. He suspected that they wanted to catch him in a mistake. They told him he needed more supervision.

At one point, while conducting a polygraph, he glanced up and saw that a ceiling tile was loose.

"Are they watching me now?" he asked himself.

Phillips excused the job applicant for a break. He climbed up on a chair and looked behind the tile. He stared into a dark and empty hole.

"I've been doing this too long," he thought as he slid the tile back in place.

His bosses began citing him: He was lazy. He was insubordinate. He filed his reports incorrectly. The agency suspended him for three days without pay.

Most importantly, it saw no merit in his complaints.

After a legal review of Phillips' assertions, the agency's assistant general counsel Mark Land concluded in April that the National Reconnaissance Office wasn't illegally pursuing personal information during polygraphs. "Corrective action is not required," he wrote.

After more than two years, Phillips decided he couldn't fight any longer. At the end of May, he resigned. The Pentagon Inspector General's Office now is investigating his complaint of retaliation.

Tish Wells contributed to this article.

**Reusable rocket prototype almost ready for first liftoff
BY STEPHEN CLARK, SPACEFLIGHT NOW, July 9, 2012**

SpaceX's Grasshopper testbed for a reusable rocket booster could fly soon from the company's Texas test facility on a short hop designed to demonstrate its ability to take off and land under thrust on a launch pad.

The Grasshopper test vehicle stands 106 feet tall, and its initial flights will reach 240 feet and last about 45 seconds to check the design of the rocket's landing system.

SpaceX technicians added four steel landing legs and a support structure to a qualified Falcon 9 rocket first stage. The Grasshopper program is the first step in achieving SpaceX's goal of developing a reusable booster, which would require the rocket's first stage to fly back to a landing pad at or near the launch site.

SpaceX's concept calls for the first stage to descend and land vertically, using rocket thrust to settle to a soft touchdown.

Speaking in June at the company's test facility in McGregor, Texas, SpaceX founder and CEO Elon Musk said the Grasshopper program was on the verge of its first flight.

"We're hoping to do short hops at some point in the next couple of months, and then in terms of higher flights, I'm hopefully we can go supersonic before the end of the year," Musk said. "That's not a prediction. That's an aspiration."

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(U) APPENDIX D: Limited Distribution – Background Supplement on Polygraph Tradecraft

(U) This **LIMITED DISTRIBUTION** Appendix was provided to the Director, National Reconnaissance Office (NRO); Principal Deputy Director, NRO; Deputy Director, NRO; and Director, Office of Security and Counterintelligence (OS&CI) under separate cover. Distribution is limited due to the disclosure of sources and methods.

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(U) APPENDIX E: Prior Coverage

(U) The Under Secretary of Defense for Intelligence (USD(I)), National Reconnaissance Office (NRO) Office of Inspector General (OIG), and National Center for Credibility Accreditation (NCCA) have reviewed the NRO Polygraph Program with mixed results.

(U//~~FOUO~~) USD(I) DoD Polygraph Program Process and Compliance Study

(U//~~FOUO~~) In the Department of Defense (DoD) Polygraph Program Process and Compliance Study Report dated 19 December 2011, the USD(I) commended the NRO for its excellent in-house polygraph examiner training program. The report also concluded that all nine DoD Polygraph Programs, to include the NRO, were in compliance with major provisions of DoD Directive (DoDD) 5210.48 "Polygraph and Credibility Assessment Program" and DoD Instruction (DoDI) 5210.91 "Polygraph and Credibility Assessment Procedures." However, the USD(I) cited a specific procedural deficiency—the NRO conducted five Expanded Security Scope (ESS) exams without first obtaining required approval from USD(I). The NRO Polygraph Program Manager responded in the report by stating that the NRO was not required to seek USD(I) approval because NRO personnel security authorities were from the Central Intelligence Agency, not the DoD. The study team confirmed with the USD(I) Counterintelligence Directorate that ESS approval requirements found in DoDI 5210.91 apply to the NRO. Since the publication of the USD(I) report, the NRO acknowledged the execution of eight ESS examinations without USD(I) approval. The USD(I) recommended that the NRO seek written approval from USD(I) for any ESS examinations.

(U) NCCA QA Inspection Reports of the NRO Polygraph Program

(U//~~FOUO~~) The NCCA Quality Assurance (QA) Program inspects procedures of all federal polygraph programs to ensure ethical, professional, and technical standards. The NCCA conducts these inspections of each federal polygraph agency on a biennial basis. We reviewed the 2011, 2009, and 2007 NCCA Inspection Reports of the NRO Polygraph Program. The inspections revealed that the NRO Polygraph Program successfully met the criteria of the *Federal Psychophysiological Detection of Deception (Polygraph) Examiner Handbook* during these inspection periods. However, each report identified areas for improvement listed below.

- The 2011 Inspection Report identified instances in which the construction of probable-lie comparison (PLC) questions did not meet federal test question guidelines because of unclear dichotomy between the PLC question and the relevant issues. The PLC should not specifically ask if an examinee had committed an act that might adversely affect obtaining a security clearance.
- The 2009 Inspection Report identified that proper procedures were not in place in instances of deployed support to war fighting missions. Specifically, polygraph examiners detailed to the DoD to conduct field polygraph examinations were not maintaining the results of those examinations.
- The 2007 Inspection Report identified that QA officers did not have the necessary authority to direct a reexamination, where appropriate, contrary to federal program procedures that allow QA officers to direct reexamination.

~~(U//FOUO)~~ The NRO addressed each of these areas to the satisfaction of NCCA. The NRO references the NCCA Inspections as an offset to the McClatchy media allegations. However, we are concerned with the overall depth and breadth of these NCCA assessments. Appendix F discusses our concerns.

~~(U//FOUO)~~ *2005 NRO OIG Inspection of the Polygraph Management Branch*

(U) In 2005, The NRO OIG inspected the NRO Polygraph Branch. The following findings are most significant to our current special review. These findings were resolved and closed.

- ~~(U//FOUO)~~ **PMB Has Not Optimized Risk Management:** PMB personnel informally refer to elicited information as “take.” PMB requires its examiners to document “100 percent take,” and forward it to Personnel Security Division (PSD)/Adjudications Branch (AB). The inspection found that various PMB operating locations interpret “take” in different ways. This confuses the examiners, slows review, and creates reporting that is sometimes neither actionable nor useful. In addition, the PMB QA procedures include three levels of 100 percent polygraph review: peer, operating location manager, and QA staff. The inspection found federal standards require QA on all polygraph examinations, but it is acceptable to have a first-line supervisor conduct this review. In response, PMB revised its operating guidance to provide the guidelines for reportable information and revised its QA process.
- ~~(U//FOUO)~~ **Communication Impairs PMB Management-Employee Relations:** The inspection found that approximately 47 percent of employees interviewed characterized PMB senior management’s tone as threatening, embarrassing, inappropriate, unprofessional, and implausible. In addition, employees identified poor management communication to include a lack of management feedback on subjects ranging from personnel evaluations to employee suggestions for process improvements. Employees cited these as contributing factors toward low, even “non-existent” morale. Personnel assigned as senior managers were reassigned or left the organization, thus closing the finding.
- ~~(U//FOUO)~~ **The Internal PMB Awards Program Generates Confusion:** Processes used to determine PMB award recipients were not clearly defined, and the program’s overall fairness and ability to motivate the right behavior was questionable. The PMB had unique internal examiner awards, which included Top Performer, Top Producer, Examiner of the Year, and Operating Location of the Year. The Top Performer category was based on the highest percentage of reportable information (i.e. take). The Top Producer completed the highest number of examinations. The Examiner of the Year category was awarded to the polygraph examiner who had the highest number of examinations plus the highest reportable information rate. The Operating Location of the year utilized average rates of the examiners assigned to the specific location. In response, PMB discarded its internal award process and aligned to the NRO Award Program.

(U) APPENDIX F: NCCA Reviews

(U) In response to the news articles, the Director, National Reconnaissance Office (DNRO) released a statement on 10 July 2012 to the NRO workforce, wherein she said, "Our polygraph program was reviewed last November [2011] by NCCA, the government's premiere educational center for polygraph and other credibility assessment technology and techniques. They determined it was fully compliant with the Department of Defense (DoD) Instruction 5210.91, *Polygraph and Credibility Assessment Procedures*." As part of the Special Review, the NRO Office of Inspector General (OIG) reviewed NCCA Quality Assurance Program (QAP) criteria; the three most recent NCCA inspections of the NRO Polygraph Program conducted in 2011, 2009, and 2007; and interviewed NCCA officials. We have several reservations with the DNRO citing NCCA QAP in response to the news articles.

~~(U//FOUO)~~ First, the NCCA Inspection Reports revealed that the NRO Polygraph Program successfully met the criteria of the federal *Federal Psychophysiological Detection of Deception (Polygraph) Examiner Handbook* (the "Polygraph Examiner Handbook") during these three biennial inspection periods. The NCCA inspections did not indicate compliance with the DoDI 5210.91 as identified in the statement. The federal Polygraph Examiner Handbook does not cover all of the areas of the DoDI 5210.91. Most importantly, the Polygraph Examiner Handbook does not specify organizational testing authorities; therefore, the NCCA QAP would not have evaluated whether the NRO conducted proper exams.

~~(U//FOUO)~~ Second, the NCCA QAP inspections do not address the news article allegations. The QAP inspection team is on-site for three days. The team uses a checklist to determine if the agency has developed and implemented appropriate policies and procedures in the following areas:

- Operating guidance of the agency
- Quality control (QC) management and procedures
- Maintenance and utilization of Psychophysiological Detection of Deception (PDD) statistical data
- Implementation of policy through a review of PDD examinations
- Approval procedures
- Selection criteria and training policies and procedures
- Customer relations

~~(U//FOUO)~~ The QAP team reviews Agency policies, procedures, examinee list, and education records. They also review the charts and records of a randomly selected sample of examinations that represents a cross-section of examiners, types of exams, and locations. The team does not review video recordings because they do not consider video reviews to be their responsibility. While on-site, the inspection is a combination of record reviews, briefings, interviews, examinations of QC inspections, review of charts, and observations of QC personnel and examiners performing the job. We do not believe that the QAP inspections would cover any

of the areas listed in the allegations.⁶³ Based on these allegations, NCCA may want to evaluate its inspection areas and determine whether to expand its inspection scope.

(U//~~FOUO~~) The Under Secretary of Defense for Intelligence (USD(I)) management officials stated that their office was planning to re-examine the NCCA methodology. The officials indicated that NCCA could become part of policy thus providing the organization with needed authority and its inspection methodology would be revised to provide a more expanded scope of coverage.

⁶³ (U) See Appendix C for key media articles.

(U) APPENDIX G: Limited Distribution – Management Concern

(U) This **LIMITED DISTRIBUTION** Appendix was provided to the Director, National Reconnaissance Office (NRO); Principal Deputy Director, NRO; Deputy Director, NRO; and Director, Office of Security and Counterintelligence (OS&CI) under a separate cover.

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(U) APPENDIX H: Management Comments



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NATIONAL RECONNAISSANCE OFFICE
14675 Lees Road
Chantilly, VA 20151-1715

11 February 2014

MEMORANDUM TO THE OFFICE OF INSPECTOR GENERAL

SUBJECT: (U//~~FOUO~~) OS&CI Management response to the "Office of Inspector General Special Review of the NRO Polygraph Program."

(U//~~FOUO~~) Executive Summary: The Office of Security and Counterintelligence (OS&CI) at the National Reconnaissance Office (NRO) respectfully submits this Management response to the Office of Inspector General (OIG) Special Review of the NRO Polygraph Program. In our response, we will identify improvements undertaken since the Special Review was initiated in July 2012. The OS&CI Polygraph Program's goal above all else, as a security element, is to achieve resolution with a complete examination with or without reportable admissions. As with any discipline so dependent on human interaction and rapport, OS&CI consistently looks for ways to improve our programs, and the NRO Polygraph Program is no exception.

(U//~~FOUO~~) OS&CI management comments fall into four categories addressing the OIG's response to the McClatchy allegations, the methodology of the review, its objectivity, and contrasting the OIG's findings with those of the September 2013 Department of Defense (DOD) IG investigation, the November 2013 IC IG Evaluation of Media Claims Regarding Non-Reporting by the National Reconnaissance Office of Certain 2010 Admissions of Potential Crimes review and the 2011 and 2013 National Center for Credibility Assessment (NCCA) reviews. We suggested the OIG reach out to the DOD IG to utilize their findings and analysis on relevant areas of this review. Our comments address the most significant of those areas previously highlighted as concerns to the OIG remaining in the current draft.

(U//~~FOUO~~) OS&CI takes exception to the statements on pages iii and iv, and repeated at pages 9 and 10, respectively, concluding that there are significant shortcomings in the NRO Polygraph Program and that these present national security implications diminishing the integrity of the NRO Polygraph Program among Intelligence Community (IC) partners. These statements are not an objective analysis of the NRO Polygraph Program and reflect a lack of understanding on the use of the polygraph in the IC in particular, as well as the personnel security process in general.

(U//~~FOUO~~) OS&CI has no major issues with the Recommendations and will address the Consideration and each Recommendation individually.

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SUBJECT: (~~U//FOUO~~) OS&CI Management response to the "Office of Inspector General Special Review of the NRO Polygraph Program."

(~~U//FOUO~~) OS&CI Management Comments:

(~~U//FOUO~~) OS&CI welcomed the Special Review conducted at the request of D/NRO and was pleased with the expected results that there was no foundation to the allegations in the McClatchy articles. Addressing the McClatchy allegations was the initial purpose of this review, and, as we indicated to the OIG, we expected the OIG to address their findings in this regard directly up front, as was reported in the IC IG Evaluation of Media Claims Regarding Non-Reporting by the National Reconnaissance Office of Certain 2010 Admissions of Potential Crimes. The first finding in the IC IG report clearly addresses the McClatchy allegations, stating that "Media Claims Contain Inaccuracies Regarding Non-Reporting of Potential Crimes."

(~~U//FOUO~~) OS&CI points out the limitations with the scope and methodology of the OIG review in reaching the conclusions it did regarding the NRO Polygraph Program in its entirety. The NRO OIG reviewed 57 polygraph examinations selected for the likelihood that they would contain evidence of the issues identified in the McClatchy articles. This review did not include the reinvestigation program, which is the bulk of the NRO polygraph program. The NRO Polygraph Program conducted 42,280 polygraphs between 2008 and the end of Fiscal Year 2012. In footnote 11, the NRO OIG identifies this sample as a "judgmental sample" based on a non-probability sampling technique with no attempt to identify a representative sample for all NRO polygraphs. We do not accept the findings attributed to the NRO Polygraph Program based on such a limited, intentionally judgmental sample.

(~~U//FOUO~~) The NRO IG concludes that the NRO Polygraph Program presents national security implications for the NRO and IC-Wide. OS&CI explained to the OIG that while upfront polygraph examinations for access to Sensitive Compartmented Information (SCI) may be desired by all security professionals, there is no national policy directing such a program, and that many agencies conduct no polygraph at any time before or after granting access to SCI information. This is also presented as diminishing the NRO Polygraph Program, causing problems for IC agencies using the NRO Polygraph for reciprocity. There is no indication that technical reviews, chart reviews, or any other reviews were conducted that would make a determination on the accuracy of the NRO Polygraph Program. Page 21 addresses the difficulty of accounting for different approaches by acknowledging the "ideological differences...emphasized by the varying perspectives within the NRO OIG review team." Clearly, the OIG itself had differing opinions on various aspects of the NRO Polygraph Program. OS&CI explained how we manage risk when scheduling polygraphs yet the comments remain unchanged in the report. While we certainly recognize areas for improvement, we cannot accept the conclusions of the NRO IG based on this limited review and selective supporting data.

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SUBJECT: ~~(U//FOUO)~~ OS&CI Management response to the "Office of Inspector General Special Review of the NRO Polygraph Program."

~~(U//FOUO)~~ As evidenced by some of the highlighted text boxes and paragraph titles, OS&CI is concerned about the objectivity of this report. For example, on page 17 in a highlighted box, the text refers to an individual who admitted to reviewing child pornography during the first exam, yet examiners continued to test the examinee for three more sessions. As presented, this may appear alarming to the uneducated reader. What the text in this box does not acknowledge is that multiple sessions may be needed to determine the scope and veracity of the information, eliminate counterintelligence issues, particularly if in access, and to define the full extent of the criminal activity. In the main text of the report, the OIG references examiners using the Intelligence Community Directives (ICDs) as a "prop," yet, references this practice in a positive manner in Appendix D. We emphasize that the ICDs are not "props" but are standard guidelines for explaining relevant issues to those undergoing security processing.

~~(U//FOUO)~~ Further, the report contains the heading "Questionable Examiner Performance Objective" leading one to believe there is a deep concern; yet, within the next paragraphs, no consistent evidence was presented indicating unfair links between objectives and evaluations. Notwithstanding this apparent contradiction, NRO Polygraph Management Branch (PMB) continues to seek out ways to improve the overall performance evaluation process.

~~(U//FOUO)~~ In our discussions with the OIG, we highlighted numerous technical areas and interpretations that required correction. The OIG made many corrections, but failed to account for how the multiple technical errors may have influenced the entire report. While some corrections were made, the critical conclusions based on those errors remained.

Consideration

~~(U//FOUO)~~ Consideration #1 for the Director, OS&CI: Co-locate the NRO Polygraph and Adjudication Branches at the HQ level and place an adjudicator in a polygraph field location.

Response: Noted.

Recommendations

~~(U//FOUO)~~ NRO/OIG Recommendation #1 for the Director, OS&CI: Update existing policy clarify/specify for whom and when polygraph testing is required as part of the initial security vetting process at the NRO.

Response: Concur and OS&CI will add clarity to existing policy in coordination with OS&CI stakeholders in the clearance process.

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SUBJECT: (U//~~FOUO~~) OS&CI Management response to the "Office of Inspector General Special Review of the NRO Polygraph Program."

(U//~~FOUO~~) NRO/OIG Recommendation #2 for the Director, OS&CI:
Update polygraph operating guidance "NRO requirements for conducting polygraph."

Response: Noted and concur.

(U//~~FOUO~~) NRO/OIG Recommendation #3 for the Director, OS&CI:
Enhance the in-house polygraph training program and ensure the program is accessible by polygraph examiners at all locations.

Response: OS&CI concurs with revised wording. There is a strong program already in place for training that we will build on to enhance and document training for all examiners; we will encourage improvement of the NRO program identity vice DOD or CIA centric. NRO complies with the federal requirement for 80 hours of mandatory continuing education and a four hour countermeasures training refresher course every two years. The most recent NCCA report acknowledges that all NRO Polygraph personnel meet these training requirements. We will update and address policies in general meetings and have minutes or other documentation provided following all relevant discussions.

(U//~~FOUO~~) NRO/OIG Recommendation #4 for the Director, OS&CI:
Conduct a comprehensive review of the polygraph quality assurance program and update the policy to reflect program changes.

Response: We note that the NCCA review conducted in December 2013 recognizes that the NRO PMB policies comply with federal polygraph standards. NCCA also notes that the unique NRO comprehensive examination review process is a strength of the NRO PMB. The 2005 PMB IG Report recommended reducing our Quality Assurance reviews from the 100% conducted at the time and OS&CI strives to achieve an appropriate balance that best serves our program. OS&CI concurs and has initiated a review of the Quality Assurance process to identify efficiencies and improve the timeliness of actionable reviews.

Beginning in June 2013, we initiated several improvements including an adjustment to incorporate the audio/video recordings in more comprehensive examiner reviews. We also streamlined the quality assurance process in an effort to get the polygraph-derived information to the Adjudicator in a more timely manner.

By using a stratified random sampling we are able to select cases from every examiner; our QA review is accomplished with 10% of the cases. This strategic approach ensured there was a statistically defensible process to assess the PMB product. The changes in June 2013 placed the day-to-day quality assurance emphasis on the field supervisor while meeting the federal requirement for multi-level reviews.

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SUBJECT: (U//~~FOUO~~) OS&CI Management response to the "Office of Inspector General Special Review of the NRO Polygraph Program."

The HQ/QA Comprehensive Examiner Reviews (CER) are randomly selected and conducted by senior PMB examiners who average 21 years of federal polygraph experience. HQ/QA is tasked to conduct at least one CER per examiner each month. The review is structured to address the several aspects of the polygraph process beginning with the administrative requirements, test question discussions, test data analysis pre and post-test interviews, and finally the exam report. A written report is sent to the Operations Officer who advances it to the field supervisor. The supervisor is required to discuss the comments with the examiner. The examiner is required to digitally acknowledge the CER. In addition to the HQ/QA reviews, the field supervisor is tasked to conduct at least one CER for each subordinate per fiscal quarter. The aggregate provides at least 16 CERS for each examiner in a fiscal year. The "day-to-day" quality assurance by the field supervisor may have a limited assessment but will always include the test questions, test data, and exam report. The CER database houses all the CERS which is regularly reviewed as an on-going aspect of the CER process.

To ensure that cases of high interest are recognized and processed, the field supervisors send a daily report to PMB/HQ that captures the examiner, case number, and status of all cases for that day. This has been beneficial in sharpening awareness of high interest cases which require priority processing.

HQ/QA also reviews the field supervisor's case processing acumen in monthly reviews of a day's work. Reviewing a randomly selected day's work, the emphasis is to ensure that field supervisors are processing cases in accordance with our policy and expectations. This report is sent to the Operations Officer and shared with the supervisor.

(U//~~FOUO~~) **NRO/OIG Recommendation #5 for the Director, OS&CI:**
Re-evaluate PMB'S overall approach in the use of polygraph admissions as a measurement for polygraph examiner performance.

Response: Concur. In the past year, NRO PMB has made extensive progress in this area. Statistically, very few examinations will be completed without the discussion of concerns which may or may not be considered ICD issues. As a matrixed organization, PMB is comprised of both Air Force civilians and Agency employees who conduct identical work. OS&CI intends that the objectives will meet the expectations of all employees and their home organizations. Since last year, PMB has pursued a collaborative effort with the Personnel Specialist, Air Force Element, Office of Strategic Human Capital at the NRO and will coordinate to ensure these meet CIA expectations as well. A draft has been forwarded to the Chief, Personnel Security Division for review.

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SUBJECT: (~~U//FOUO~~) OS&CI Management response to the "Office of Inspector General Special Review of the NRO Polygraph Program."

Toward our goal of revising objectives, PMB examiners and team chiefs attended a dedicated running of the "NRO DCIPS Performance Management Workshop" which addressed performance objectives and self-assessments. Upon completing this training, PMB examiners were given the opportunity to provide input in revising performance objectives.

Emphasis has been placed on the quality of the exam process and an examiner's ability to recognize, vet, and communicate relevant reportable information. The statistical data will now be one of several means of measuring performance.

Considering the primary duty of an examiner is to conduct examinations, we are considering a performance expectations agreement between the examiner and supervisor as a logical vehicle to address the expected minimum number of sessions as opposed to placing it in a performance objective. The expectations agreement is also designed to reinforce individual responsibilities in the performance management process.

(~~U//FOUO~~) **NRO/OIG Recommendation #6 for the Director, OS&CI:**
Update the various existing policies i.e., the PSD Policy Directive and PMB guidance) to ensure that they provide a consistent policy for SIP request documentation and ensure the pertinent OS&CI workforce is trained in the implementation of the policy.

Response: Concur and noted.

(~~U//FOUO~~) **NRO/OIG Recommendation #7 for the Director, OS&CI:**
Conduct an inventory of all records, regardless of format, and establish controls to ensure proper records maintenance and disposition. Update the file plan accordingly.

Response: Concur and this continuous process is ongoing.

(~~U//FOUO~~) **Recommendation #8 for the Director, OS&CI:** Conduct an inventory of all office created forms and ensure required coordination/approval from the NRO Forms Management Office is obtained prior to further use.

Response: Concur. On June 19, 2013, PMB initiated coordination with the NRO Forms Management Office to complete the process of having PMB office-generated forms reviewed, revised, and incorporated into the NRO forms archives. PMB has continued progress on this initiative as outlined.

As of January 27, 2014, two forms have completed the revision process, meet the forms requirements, and are approved for use:

NP 5-47, Polygraph Survey-Handout

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SUBJECT: (~~U//FOUO~~) OS&CI Management response to the "Office of Inspector General Special Review of the NRO Polygraph Program."

NP 5-62, Receipt for Property

The below forms are currently on hold awaiting approval of System of Record Notice (SORN) QNRO-21:

NP 5-46, Polygraph Biographical Data Sheet

NP 5-48, Polygraph Examination Advisement Form

NP 5-50, Counterintelligence Security Polygraph Declination Statement

NP 5-51, Specific Issue Polygraph Declination Statement

NP 5-55, Forensic Consent Agreement

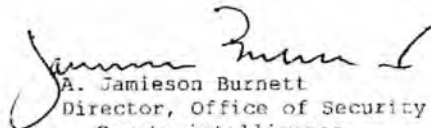
NP 5-57, Polygraph Examination Personal Interview

NP 5-58, Written Statement

NP 5-61, Medical Certification to Undergo OS&CI Polygraph Examination

QNRO-21 was reviewed (along with 4 other SORNs) as part of TIER Action 2013-04560. The TIER action is currently "on hold" with a status of "Action placed on hold pending coordination/collaboration between the NRO Privacy Program and the General Counsel."

PMB has continued to use the historical forms. However, as the new forms are approved and released for use, they will be immediately incorporated into PMB's inventory. With implementation, all previous forms will be obsolete.


A. Jamieson Burnett
Director, Office of Security and Counterintelligence

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(U) APPENDIX I: OIG Response to Management Comments

~~(U//FOUO)~~ The Office of Security and Counterintelligence (OS&CI) provided a number of comments related to the review approach, report structure, and overall conclusions. It is important to note that the Office of Inspector General (OIG) conducted all aspects of this review in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General for Integrity and Efficiency. These standards provide a framework for conducting inspections, ensuring they are conducted in an independent, professional, and objective manner. Accordingly, we are compelled to address two areas of the OS&CI comments. First, OS&CI questioned the scope and methodology employed over the course of the review. Second, OS&CI stated the report lacked objectivity. Our response to each of these areas is presented below.

~~(U//FOUO)~~ Review Scope and Methodology: OS&CI's comments discount the expansive nature of this review's scope and methodology, which we discussed with OS&CI throughout the course of the review. Our fieldwork included, but was not limited to, reviewing video recordings of 57 polygraph cases comprising 112 individual sessions, which required approximately 730 person-hours to review. We interviewed 85 personnel, including Personnel Security Division (PSD), Polygraph Management Branch (PMB), and Adjudications Branch (AB) senior management, all of the PSD adjudicators, and each of the then [REDACTED] polygraph examiners. We reviewed PMB's training, quality assurance, and records management programs as well as the employee performance evaluation process within PMB. We also provided OS&CI management numerous opportunities to provide information they considered germane to the review, and considered such information accordingly. Last, our findings were derived not only from the video reviews, but were additionally corroborated through other testimonial or documentary sources.

~~(U//FOUO)~~ Regarding sampling, our sample was intentionally judgmental; however, this does not mean the OIG chose cases with identified procedural or other deficiencies. Judgmental sampling is typically used in cases to select a more representative sample than by using other probability sampling techniques. For example, we selected cases containing admissions outside the scope of a Counterintelligence Scope Polygraph (CSP) exam that would provide the greatest opportunity or insight into procedures utilized by the polygraph examiner to obtain admissions. We ensured sampled cases represented a cross-section of exams across fiscal years and examiners.

~~(U//FOUO)~~ Additionally, OS&CI opined that a lack of any test data analysis in the OIG review precluded a determination on the accuracy of the NRO Polygraph Program. The NRO polygraph testing deficiencies were predicated on the inconsistent method by which exams are conducted, which may cast uncertainty into particular test results. Further, the deficiencies we identified are not solely the conclusions of the OIG; senior PMB officials also noted similar shortcomings.

~~(U//FOUO)~~ Report Objectivity: OS&CI questioned whether the review represented an objective analysis of the NRO Polygraph Program. We took appropriate measures to ensure objectivity throughout the review. For instance, since the subject matter expertise in polygraph

on our team was limited to the CIA, we utilized an independent contractor with 40 years of DoD polygraph experience to provide a balanced perspective in the video reviews. Additionally, the *Quality Standards for Inspection and Evaluation* require an independent quality control review of every report, to ensure content is presented in an objective manner and that all findings, conclusions, and recommendations are adequately supported by evidence.

(U//~~FOUO~~) Finally, we do not agree with the OS&CI assertion that the OIG failed to factor OS&CI technical accuracy comments into the critical report conclusions. Through the draft report phase, OS&CI offered comments that included potential factual inaccuracies, ensured the proper context of certain statements within the report, and proffered various disagreements with our conclusions. We considered the proposed OS&CI changes, and amended the report language as appropriate.