



Audit of the Drug Enforcement Administration's Use of Polygraphs in the Pre-employment and Foreign Vetting Processes



AUDIT DIVISION

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EXECUTIVE SUMMARY

Audit of the Drug Enforcement Administration's Use of Polygraphs in the Pre-employment and Foreign Vetting Processes

Objectives

The U.S. Department of Justice Office of the Inspector General (OIG) conducted an audit of the Drug Enforcement Administration's (DEA) use of polygraph examinations. Our objectives were to assess the DEA's policies and procedures for conducting pre-employment screening and foreign vetting polygraph examinations; and determine whether the DEA's adjudication of those polygraph results was timely, thorough, and objective.

Results in Brief

We found that the DEA did not properly utilize the results of pre-employment and other polygraph exams to help identify and mitigate potential insider threat and security risks to the organization, both domestically and abroad. As a result, we identified DEA employees, Task Force Officers, contractors, and foreign partners who had not successfully completed a DEA-conducted polygraph exam who were nonetheless hired and/or allowed to operate on DEA-led task forces and foreign vetted units, in violation of DEA policies. The DEA also did not properly evaluate and mitigate the risks associated with applicants hired who made potentially disqualifying disclosures during their pre-employment polygraphs. Further, we identified Special Agents, Intelligence Research Specialists, and contractors who indicated deception to National Security and Suitability related polygraph questions yet were granted access to sensitive and classified information.

Recommendations

Our report contains 12 recommendations for the DEA to improve its use of polygraph results to help mitigate insider threats and law enforcement partner risks. We provided a draft of this report to the DEA and included its response in Appendix 2. Appendix 3 contains the OIG's analysis of that response and actions needed to close the report.

Audit Results

The polygraph examination is a procedure used to determine whether a person shows physiological and psychological reactions that are believed to accompany intentional attempts to deceive. The DEA uses polygraph examinations for criminal and administrative investigations, pre-employment, and personnel security screenings, and law enforcement partner vetting. Specific to its risk environment, the DEA employs polygraph examinations to help mitigate insider threat and security risks from employees, Task Force Officers, contractors, and foreign partners with access to sensitive and/or classified information.

In March 2019, to better align the DEA with the national standards and practices of 27 other federal agencies, then Acting DEA Administrator Uttam Dhillon issued a memorandum stating that the DEA would no longer hire Special Agent or Intelligence Research Specialist applicants who did not successfully complete a pre-employment polygraph exam. The DEA defines successful completion as an examination finding of "No Significant Response." In March 2021, the DEA expanded this requirement to include Diversion Investigator and Forensic Chemist applicants.

DEA Needs to Mitigate the Risks Associated with Special Agents and Intelligence Research Specialists Who Did Not Pass or Had Incomplete Polygraph Examinations

In August 2023, the OIG issued the DEA a Management Advisory Memorandum (MAM) which identified significant risks involving the hiring of Special Agents and certain other applicants who had not successfully completed some or all of the pre-employment polygraph examination. In response to the MAM, the DEA identified that between January 2017 and June 2023, 184 applicants (168 Special Agents and 16 Intelligence Research Specialists) were hired who did not successfully complete

a pre-employment polygraph. The DEA has established a Risk Mitigation Review Board to conduct a documented risk mitigation process for each of the individuals identified as having polygraph-related issues during our audit.

Accurate Polygraph Information and Written Policies and Procedures is Essential to Hiring Panels

We found that the DEA's Special Agent Hiring Panel, which is made up of Supervisory Special Agents, relied on incomplete and inaccurate polygraph information when making hiring decisions. Specifically, we identified applicants who were incorrectly identified as having passed the polygraph exam when, in fact, the applicants had not successfully completed the exam or did not complete each series of the exam as required by DEA policy.

Applicant Statements Made During the Pre-Employment Polygraph Examination Need to be Properly Evaluated

The DEA did not properly evaluate and mitigate the risks associated with applicant disclosures made during the pre-employment polygraph exam. Specifically, between May 2019 and July 2023, the DEA hired 113 applicants (91 Special Agents, 17 Intelligence Research Specialists, and 5 Forensic Chemists) who completed a pre-employment polygraph exam without any indication of deception, but who made potentially disqualifying disclosures during the exam. Those disclosures included drug use, criminal activity, and inadequately safeguarding classified information. The DEA has included these individuals as part of its risk mitigation review.

DEA Needs to Mitigate the Risks Associated with Granting Access to Classified Information to Individuals Who Did Not Pass the Polygraph

We identified employees who the DEA granted Top Secret (TS) level security clearance with Sensitive Compartmented Information (SCI) access despite having indicated deception to polygraph questions pertaining to National Security and Suitability. We found no evidence that the DEA took steps to ensure the individuals do not pose a security or insider threat risk to DEA operations.

We also identified DEA contractors with a Secret or TS level security clearance who did not successfully complete the polygraph. Several individuals made potentially disqualifying disclosures during the polygraph exam about past drug use, falsifying information on pre-employment documents, or using improper methods during the polygraph exam. In total, the DEA has included 24 individuals (9 DEA employees and 15 contractors) who

did not successfully complete the polygraph exam as part of its risk mitigation review.

DEA Needs to Ensure Foreign Officials Who Did Not Pass the Polygraph Are Not Permitted to Join or Remain in DEA Foreign Vetted Units

The DEA supports foreign Sensitive Investigative Units (SIU) and Vetted Units (VU) programs for investigative collaboration to target and prosecute major transnational criminal organizations impacting the U.S. Foreign candidates, which may include foreign law enforcement, military, and government personnel seeking entry in a SIU or VU, must successfully complete the DEA's vetting process, to include the successful completion of a foreign screening polygraph exam. Once in the unit, members must successfully complete a polygraph exam every 36 months and may also be asked to submit to periodic polygraph examinations.

We reviewed 1,507 foreign officials' polygraph exams conducted by DEA between January 2020 and July 2023. We identified six SIU members operating on DEA vetted units who either did not successfully complete the polygraph exam or were overdue for a polygraph exam. The DEA has taken steps to ensure that each of the 3 SIU members who failed the exam are no longer operating on SIUs. Additionally, upon polygraphing the 3 SIU members whose polygraphs were overdue, all 3 failed the re-screening exam, and were removed from the SIUs.

Task Force Officers with Polygraph Issues Should Not Remain on Task Forces

Contrary to DEA policy, we identified Task Force Officers who were allowed to remain on DEA-led task forces despite their not having successfully completed a polygraph exam while they were seeking employment with the DEA. As of September 2023, the DEA has returned 10 Task Force Officers to their parent law enforcement agencies.

Training on Newly Implemented Policies and Procedures to Prevent Inappropriate Influence Related to Polygraph Examinations of "Legacy" Special Agent Candidates is Needed

In the MAM, we identified DEA personnel who had perceived or experienced pressure to influence polygraph examinations for certain applicants. Specifically, DEA employees felt pressure to affect the outcome or the timing of an examination of a relative of an employee currently working for the DEA or who had previously worked for the DEA. In response to the MAM, the DEA implemented a new policy to prevent inappropriate influence and potential conflicts of interest in the DEA's pre-employment polygraph process. The new policy

includes a prohibition on anyone with a direct or indirect connection to a candidate for employment contacting the Polygraph Examiner during the employment process.

The DEA also updated its Personnel Manual to prohibit all DEA employees from directly or indirectly engaging in any advocacy that may result in the employment of a relative or other covered individual of a DEA employee. The updated manual bars DEA personnel from communicating

directly or indirectly with a DEA employee involved in the pre-employment selection process. However, after issuing the MAM, we identified a DEA Senior Executive Service employee who contacted a Human Resources official to advocate for a polygraph re-test of an applicant who had a relative who previously worked for the DEA. The DEA should provide training to ensure all DEA personnel are aware of and abide by the newly implemented policy and procedures.

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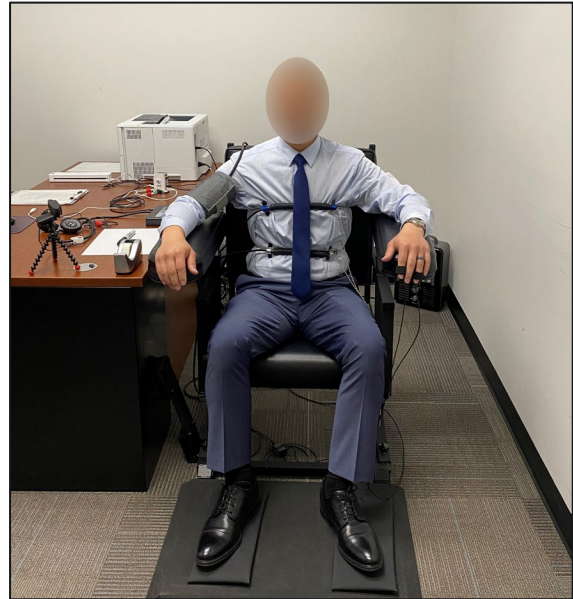
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Introduction

The Drug Enforcement Administration (DEA) utilizes polygraph examinations for criminal and administrative investigations, pre-employment, and personnel security screenings, and law enforcement partner vetting. The polygraph examination is a procedure used to determine whether a subject shows physiological and psychological reactions that are believed to accompany intentional attempts to deceive.¹ The DEA uses polygraph examinations to help mitigate national security risks and identify insider threats from employees, task force officers, contractors, and foreign partners with access to sensitive and/or classified information.

The Office of the Director of National Intelligence's (ODNI) Defense Counterintelligence and Security Agency establishes uniform polygraph standards for federal agencies in the Intelligence Community.² As an element of the U.S. Intelligence Community, the DEA must comply with ODNI's Security Executive Agent Directives (SEAD) and the National Center for Credibility Assessment's (NCCA) Federal Examiner's Handbook. The SEAD outlines the regular use of polygraph examinations in support of personnel security determinations for initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. NCCA is responsible for maintaining a quality assurance program to ensure ethical, professional, and technical standards are maintained by all federal polygraph programs.



Source: OIG Photo. Face blurred by the OIG.

The DEA is also required to request from the U.S. Office of Personnel Management (OPM), on an annual basis, approval for the use of polygraph examinations in pre-employment screenings and administrative investigations.³ In November 1994, OPM first approved the DEA's use of polygraph examinations for the pre-employment vetting of Special Agent positions. Since then, OPM has approved the DEA's use of polygraphs for the pre-employment vetting of Intelligence Research Specialists, Diversion Investigators, and Forensic Chemist positions. OPM's continued approval is contingent upon the DEA's compliance with uniform community polygraph standards, including the Federal Examiner's Handbook. In December 2022, NCCA's Quality Assurance program reviewed the DEA's polygraph program and identified no deficiencies. OPM renewed the DEA's authority to continue utilizing polygraph examinations through September 2024.

¹ A polygraph is a diagnostic instrument used during a polygraph examination that is capable of monitoring, recording and/or measuring at a minimum, respiratory, electrodermal, and cardiovascular activity as a response to verbal or visual stimuli.

² The Federal Bureau of Investigation (FBI) and DEA are the two DOJ components that are formally designated as members of the Intelligence Community.

³ Executive Orders 13467 and 10577.

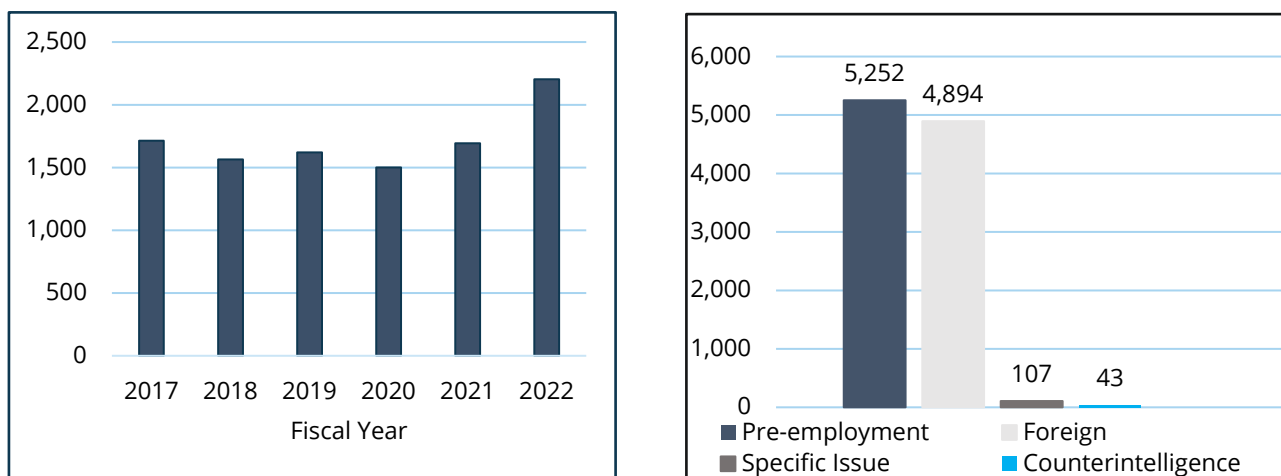
Overview of the DEA's Polygraph Unit

At the start of our audit, the Polygraph Unit was operated under the Office of Investigative Technology, which is responsible for installing and maintaining surveillance equipment used in DEA investigations and task force operations. Then, in October 2023, in part due to the findings in our Management Advisory Memorandum (MAM), the Polygraph Unit was moved to the Office of Security Programs (IS), to better align with IS's mission to lead, deliver, and enhance processes for the safety and security of DEA personnel and assets, both foreign and domestic.⁴ As of January 2023, the Polygraph Unit consists of 29 Polygraph Examiners located across 19 domestic divisions and 3 foreign divisions.

Between 2017 and 2022, the DEA conducted more than 10,000 polygraph examinations. As shown in Figure 1, the majority of those exams were for pre-employment screenings (51 percent) and the vetting of foreign officials (48 percent).⁵ The DEA also conducts specific issue exams (1 percent), which are in support of on-going DEA operations and other reviews. Lastly, on a case-by-case basis, the DEA conducts polygraph examinations of DEA personnel who may be required to undergo a counterintelligence-scope (CI-scope) polygraph exam to carryout operational-related duties. For the purposes of our review, we did not review specific issue exams, which may relate to DEA operational-related activities.

Figure 1

DEA Polygraph Examinations Conducted FYs 2017 – 2022



Note: Although the DEA provided the total count of polygraphs conducted by Fiscal Year (FY), prior to October 2019, due to system limitations, the DEA could not produce a list of all the polygraphs conducted in our audit scope.

Source: OIG Analysis of DEA data

⁴ DOJ OIG, [Management Advisory Memorandum for the DEA Administrator Regarding Notification of Concerns Identified in the DEA's Use of Polygraph Examinations in Pre-employment Vetting](#), Audit Report 23-095 (August 2023).

⁵ Through DEA-supported foreign law enforcement units, known as Sensitive Investigative Units (SIU) and Vetted Units (VU), the DEA may conduct bilateral operations, coordinate judicial wire intercept programs, and gather intelligence on illicit drugs being smuggled into the U.S. Polygraph examinations are required of all SIU and VU foreign candidates prior to any operational involvement.

DEA's Use of Pre-employment Polygraphs

The DEA uses pre-employment polygraph examinations to verify information provided to the DEA by an applicant, as well as to evaluate an applicant's character or suitability for the position and any potential national security risk. Applicants are given a full-scope polygraph examination that includes questions related to national security issues, past drug use, serious criminal activity, and truthfulness on pre-employment documentation. Currently, the DEA's policy requires that a pre-employment polygraph examination be administered for four core series positions (Special Agent, Intelligence Research Specialist, Diversion Investigator, and Forensic Chemist). Figure 2 reflects the four categories of polygraph results and any accompanying restrictions based on the outcome of the polygraph examination. The DEA defines successful completion of a polygraph examination as a finding of "No Significant Response."

Figure 2

Potential Polygraph Results

No Significant Response	Significant Response	Countermeasures	No Opinion
<ul style="list-style-type: none">• Occurs when no significant physiological response occurs in response to the same question when asked several times.• Applicant is eligible for the position for which they applied, and for any other DEA position requiring a polygraph for a period of 3 years.	<ul style="list-style-type: none">• A significant physiological response occurs in response to the same question when asked several times indicating deception.• Applicant is disqualified from the position to which they applied and from any other DEA position requiring a polygraph, for a period of 3 years.	<ul style="list-style-type: none">• A physical, mental, and/or pharmacological effort is intended to alter the physiological data collected during the exam.• Applicant is disqualified from the position to which they applied and from any other DEA position requiring a polygraph for a period of 3 years.	<ul style="list-style-type: none">• A result is unable to be determined.• Applicant is disqualified from the position to which they applied and from any other DEA position requiring a polygraph, for a period of 2 years.

Source: The DEA's Polygraph Screening Policy (April 2021)

Prior to March 2019, DEA policy did not prohibit the hiring of Special Agent and Intelligence Research Specialist applicants with polygraph examination results of "Significant Response" or "Countermeasures." At that time, the DEA was the only federal law enforcement agency participating in the NCCA that allowed the hiring of applicants who did not pass a polygraph (i.e., received a result of "Significant Response," "Countermeasures," or "No Opinion").

On March 21, 2019, then Acting DEA Administrator Uttam Dhillon issued a memorandum stating that "the DEA will not hire Special Agent or Intelligence Research Specialist applicants who receive a countermeasure or significant response result on their DEA-administered polygraph examination." The memorandum noted that the changes were in line with the national standards and practices of 27 other federal agencies. The DEA's Polygraph Unit then issued an updated policy reflecting the direction in the Acting Administrator's memorandum. In March 2021, the DEA's Polygraph Screening Policy was amended, adding the requirement

that Diversion Investigators and Forensic Chemists must successfully complete the polygraph examination to be eligible for hire.

OIG Audit Approach

In August 2022, the Office of the Inspector General (OIG) initiated an audit of the DEA's use of polygraph examinations in its pre-employment and law enforcement partner vetting, including Special Agent candidates and other potential DEA personnel, Task Force Officers, and foreign partners. Our objectives were to: (1) assess the DEA's policies and procedures for conducting pre-employment screening and foreign vetting polygraph examinations; and (2) determine whether the DEA's adjudication of those polygraph results, was timely, thorough, and objective. The scope of our audit generally covers the DEA's use of polygraphs from Fiscal Years (FY) 2017 through 2023. For purposes of this audit, we focused on pre-employment, foreign official, contractor, and CI-scope polygraph examinations.

To accomplish our objectives, we reviewed federal policies and guidance, including those specific to the DEA's administration and oversight of its polygraph program, and interviewed DEA personnel. In addition, we spoke to the Chief of NCCA's Quality Assurance Program and the Justice Management Division's Security and Emergency Planning Staff Assistant Director and Intake Branch Chief, as well as officials from the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to identify polygraph best practices within the DOJ law enforcement community. Further, we visited 4 DEA field offices and the Office of Investigative Technology and reviewed a judgmentally selected sample of 104 polygraph casefiles. We also analyzed a sample of foreign official polygraph exams that were conducted within our audit review period. Appendix 1 contains additional information on our objectives, scope, and methodology.

As referenced earlier, in August 2023, the OIG issued to the DEA a MAM notifying the DEA of serious concerns identified during this audit. Specifically, we found inconsistencies in the implementation of the 2019 polygraph policy and significant risks involving the DEA's polygraph program, including hiring Special Agents and certain other applicants who had not successfully completed some or all of the polygraph examination, and allowing task force officers who failed the polygraph examination to remain on DEA task forces. We also learned about issues with regard to the handling of polygraphs for applicants with relatives who currently or formerly worked for the DEA. The Audit Results section of this report discusses the concerns identified in the MAM and our subsequent work and findings. Following the issuance of the MAM, the DEA began taking a number of corrective actions, to include updating its Polygraph Screening Policy to no longer allow for the hiring of applicants who do not successfully complete the pre-employment polygraph exam and issuing a new policy on the employment of relatives. Our analysis of these recent actions taken by the DEA is discussed in this report.

Audit Results

The DEA did not properly utilize the results of pre-employment and other polygraph examinations conducted in accordance with its policies to help identify and mitigate potential insider threat and security risks to DEA operations, both domestically and abroad. In August 2023, we issued to the DEA a Management Advisory Memorandum (MAM), which identified significant risks involving the continued hiring of Special Agents and certain other applicants who have not successfully completed some or all of the pre-employment polygraph examination. After issuing the MAM, we continued our work on this audit and identified additional DEA employees, Task Force Officers, contractors, and foreign partners who did not successfully complete a polygraph exam but were hired and/or allowed to operate on DEA-led task forces or foreign vetted units, in violation of DEA policies. We also identified additional Special Agents, Intelligence Research Specialists, and contractors who indicated deception to National Security or Suitability related polygraph questions; yet these individuals were granted access to sensitive and classified information by the DEA.

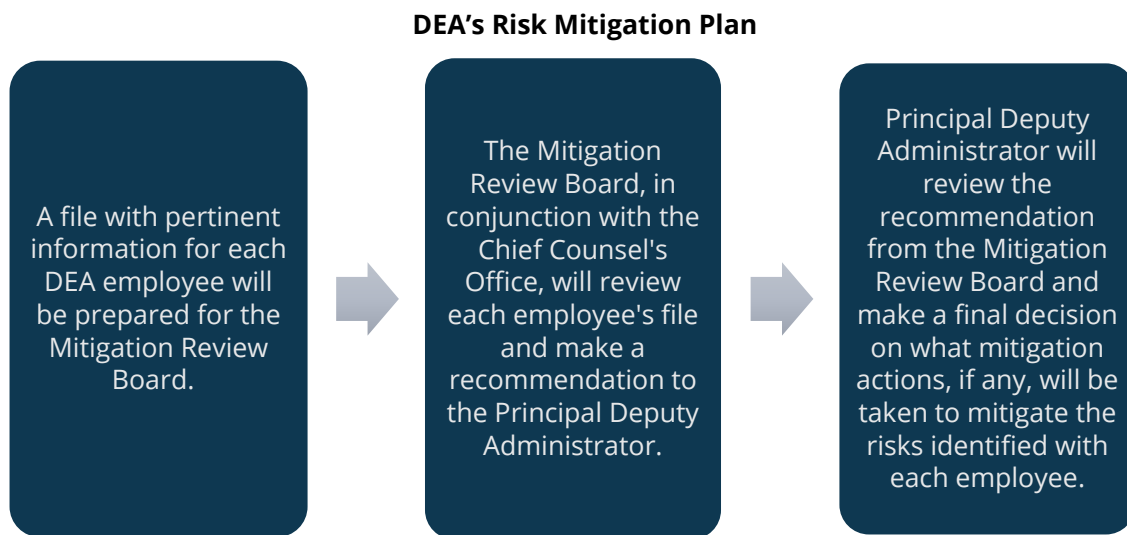
Moreover, we found that the DEA did not properly evaluate and mitigate the risks associated with applicants hired who made potentially disqualifying disclosures during their pre-employment polygraph exams. As a result, we found that the DEA's Special Agent Hiring Panel relied on inaccurate and incomplete information when making hiring decisions. The Special Agent Hiring Panel also did not have written policies and procedures to ensure its hiring practices were fair and consistent. Further, the DEA has inconsistent policies for the rehiring of former employees in the four core series positions (Special Agent, Intelligence Research Specialist, Diversion Investigator, and Chemist). As we did in our MAM, throughout this report we make several recommendations to the DEA to help ensure that these identified risks, and others, are appropriately mitigated.

DEA Needs to Mitigate the Risks Associated with Special Agents and Intelligence Research Specialists Who Did Not Pass or Had Incomplete Polygraph Examinations

In our August 2023 MAM, we recommended to the DEA that it mitigate the risks associated with previously hired individuals who did not fully and successfully complete the pre-employment polygraph exam. In response, the DEA conducted a review of its pre-employment polygraph records and other hiring-related documents and determined that 184 applicants did not successfully complete the pre-employment polygraph exam and that there were 9 applicants for which an overall polygraph result could not be determined.⁶ As shown in Figure 3, the DEA then established a Risk Mitigation Review Board to conduct a documented risk mitigation process for each of these individuals who were still employed by the DEA.

⁶ In the MAM, we identified 77 applicants who received a result of "Significant Response" on a pre-employment polygraph exam. Based on the risks identified in our MAM, we took additional steps to identify all of the individuals in our audit scope who did not successfully complete a pre-employment polygraph exam. In total, we found that between January 2017 and June 2023, the DEA hired 184 applicants (168 Special Agents and 16 Intelligence Research Specialists) who received a "Significant Response" on a pre-employment polygraph exam and 9 Special Agents who received a "No Opinion" on a polygraph exam, meaning an overall polygraph result was unable to be determined. Additionally, we determined that 5 of the 184 applicants were hired without completing each series (National Security and Suitability) of the pre-employment polygraph exam. As of September 2023, 29 of the 193 individuals identified were no longer employed by the DEA.

Figure 3



Source: DEA

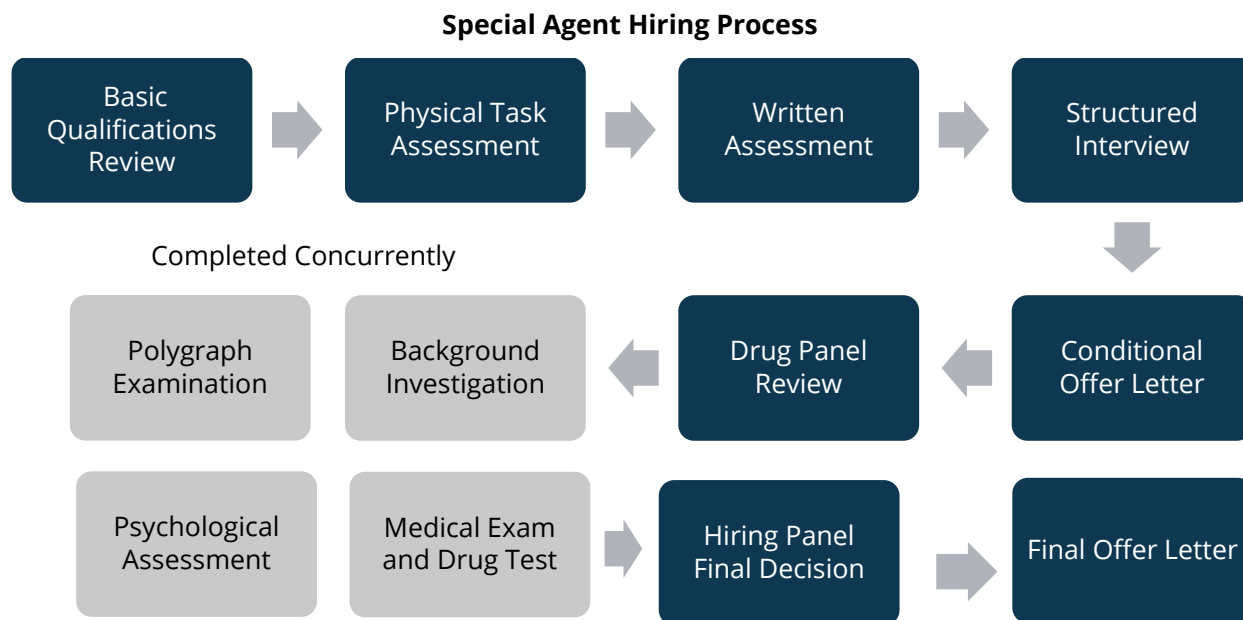
The DEA's Risk Mitigation Board is made up of the DEA's Principal Deputy Administrator, Chief Inspector, Chief of Operations, Associate Administrator for Business Operations, Assistant Administrator for Human Resources, and personnel from the DEA's Office of Chief Counsel, Human Resources, Office of Professional Responsibility, and the Office of Security Programs. Each employee file will include a description of the polygraph questions to which the individual indicated deception, applicant statements made during the polygraph exam (if any), disciplinary actions (if any), current assignment, and security clearance level. The Mitigation Review Board may also request additional information to make its recommendation.

The DEA's Office of Compliance performed an initial review to identify any cases of concern, which may require immediate referral to the Office of Chief Counsel and Office of Professional Responsibility. As of January 2024, the DEA made immediate referrals for 27 DEA employees. The remaining individuals on the DEA's mitigation list will be assessed by the Risk Mitigation Review Board in the priority order of: (1) individuals who did not successfully complete the pre-employment polygraph exam and hold a Top-Secret (TS) level security clearance with Sensitive Compartmented Information (SCI) access; (2) individuals who did not successfully complete the pre-employment polygraph and made potentially disqualifying statements during the exam; and (3) any other DEA personnel or contractors who did not successfully complete the pre-employment polygraph exam. A DEA official stated that it is continuing its risk mitigation efforts and will provide evidence of the steps taken to address and mitigate the risks associated with each DEA employee.

Accurate Polygraph Information and Written Policies and Procedures is Essential to Hiring Panels

The DEA's hiring process for its Special Agent position includes a qualifications review, structured interview, and a physical and written assessment. After successfully completing each of these steps, the DEA may make a conditional offer of employment while the applicant completes the remaining steps in the hiring process. Figure 4 depicts the Special Agent hiring process.

Figure 4



Source: DEA

The determination for an official offer of employment for a Special Agent position is decided by a Special Agent Hiring Panel. The DEA's hiring panel consists of three Supervisory Special Agents and a Special Agent Staff Coordinator who oversees the panel. The Staff Coordinator uses a Hiring Panel form, prepared by a Suitability Section Personnel Security Specialist (ISS Personnel Security Specialist), to brief the panel on an applicant's education, work history, background investigation, and test results (polygraph exam, psychological assessment, physical assessment, written assessment, and medical exam).⁷ Personnel from Human Resources and the Office of Security Programs Suitability Section also attend to answer any questions panel members have regarding an applicant's job announcement or background investigation. Each panel member has one vote, and two "yes" votes result in an applicant being approved for hire.

As identified in our MAM, the Special Agent Hiring Panel relied on incomplete and inaccurate polygraph information when making hiring decisions for Special Agents. A DEA official we spoke to acknowledged that incomplete and inaccurate information has been identified on the Hiring Panel forms. The Hiring Panel form is prepared by an ISS Personnel Security Specialist, who is a trained adjudicator, and provided to the Staff Coordinator. A DEA official stated that ISS Personnel Security Specialists may have used an older Hiring Panel form to prepare a new one, mistakenly leaving the wrong applicant information on the form. A DEA official explained that the Staff Coordinator is responsible for reviewing the Hiring Panel form and comparing that information to the polygraph Report of Investigation and other hiring-related documents to

⁷ The Hiring Panel form lists the applicant's name, current occupation, education, background investigation completion date, overall polygraph result (if a pre- or post-test disclosure was made), and the psychological test result. The form also indicates if the fingerprint, Department of Motor Vehicles, drug use, and credit checks fall within established acceptable parameters.

ensure that complete and accurate applicant information is presented to the Special Agent Hiring panel.

When we asked for the policies and procedures governing the Special Agent Hiring Panel, a DEA official informed us that the Special Agent Hiring Panel does not have written policies and procedures and that each time the Staff Coordinator position changes, the previous coordinator will train the new Staff Coordinator on the duties and responsibilities of the position. Without written policies and procedures, the DEA cannot ensure that adequate controls are in place on the Special Agent Hiring Panel to mitigate errors and prevent improper hiring practices from occurring. For example, we noted that each applicant's name is provided by the Staff Coordinator to the hiring panel members. By allowing panel members to know the identity of the applicants prior to voting on them, the DEA is creating the appearance of potential conflicts of interest. Anonymizing the hiring panel process will help the DEA ensure fair hiring practices. Additionally, the DEA should document the Staff Coordinator's review of the Hiring Panel form, ensuring the form is accurate and correct and that an individual has successfully completed the pre-employment polygraph as required by DEA policy. Therefore, we recommend that the DEA establish written policies and procedures for the Special Agent Hiring panel to include defined roles and responsibilities for individuals serving on the panel and overseeing the panel. We also recommend that the DEA implement controls to ensure that the documents used to inform hiring panels are accurate, appropriately anonymized, and properly reviewed.

Applicant Statements Made During the Pre-employment Polygraph Examination Need to be Properly Evaluated

The Report of Investigation documents the results of the polygraph, to include pre-test and post-test statements made by the applicant during the examination process. An electronic copy of the Report of Investigation must be sent to the Suitability Section for review as part of the vetting process to render employment suitability decisions. According to the Polygraph Screening Policy, significant statements made by an applicant during a polygraph exam, such as the disclosure of a potential violation of law, must be referred to DEA's Office of Professional Responsibility (OPR).

Between May 2019 and July 2023, the DEA hired 113 applicants (91 Special Agents, 17 Intelligence Research Specialists, and 5 Forensic Chemists) with a polygraph result of "No Significant Response," meaning the applicant exhibited no significant physiological response when asked the same question several times, but these applicants made pre- and post-test polygraph admissions, which the DEA considers to be a potentially disqualifying statement made during the polygraph examination process. A DEA official explained that the individuals' admission statements were identified while conducting its review to identify core series employees who did not fully and successfully complete the pre-employment polygraph exam. Since the DEA was uncertain as to whether the statements obtained during the pre-employment polygraph exams were provided to appropriate DEA officials for consideration when making hiring decisions, the DEA determined it was appropriate to include the 113 employees as part of its documented risk mitigation review of DEA employees with pre-employment polygraph issues.

The DEA's mitigation efforts will include Human Resources and ISS personnel (including trained adjudicators) who will review the statements made by each of the 113 DEA employees. If it is determined that a disclosure may be disqualifying, the employee's file will be provided to the Risk Mitigation Review Board for review. The board will review the file and make a risk mitigation recommendation to the Principal Deputy Administrator for a final risk mitigation decision. If it is determined that the disclosure is not disqualifying, then DEA personnel will recommend the Risk Mitigation Review Board take no further action.

Based on our review of the 113 polygraph Reports of Investigation, we noted that the statements included disclosures about drug use, criminal activity, inappropriate use of law enforcement databases, and inadequately safeguarding classified information. Since only trained adjudicators can determine if those disclosures may affect an individual's eligibility or suitability to hold a DEA position and security clearance, the OIG did not make any suitability or eligibility determinations based on those statements.⁸ The OIG will monitor the steps taken by the DEA as part of the DEA's efforts to address our MAM recommendation to mitigate the risks associated with having hired individuals who did not fully and successfully complete the pre-employment polygraph exam.

We asked a DEA official why the statements may not have been properly evaluated during the initial hiring process. In its response, the DEA stated that it reviewed a sample of the 113 applicants who made admissions during the polygraph process and found that the DEA identified statements made during its suitability review and provided those statements to the Hiring Panel for consideration when making hiring decisions. In some cases, the DEA stated that it could not find documentation to support the review of those statements by the Hiring Panel prior to an applicant's approval for hire. However, based on our review of the pre-employment records for each of the 113 applicants, we could not find evidence that 53 of the 113 applicant's statements made during the polygraph exams had been reviewed and assessed by an ISS Personnel Security Specialist. Further, we found that 62 of the 113 applicants' Hiring Panel Forms did not identify that the applicant had made potentially disqualifying disclosures during the exam. As a result, the DEA may not have evaluated and mitigated the risks associated with each of the 113 statements made to ensure those applicants were suitable for hire. Additionally, the Hiring Panel may not have been made aware of any relevant disclosures during its review. A DEA official acknowledged that its past pre-employment vetting process was not reliable, and the DEA is taking steps to improve the process. Specifically, the DEA is developing written procedures to define the roles, responsibilities, and processes throughout its hiring process and to implement training on those procedures. Without adequate controls and training on those controls, the DEA is at risk of hiring individuals who are not eligible or suitable for the position to which they applied. Therefore, we recommend that the DEA implement controls and provide training to ISS Personnel Security Specialists to ensure polygraph Reports of Investigation are being appropriately reviewed.

DEA Needs to Mitigate the Risks Associated with Granting Access to Classified Information to Individuals Who Did Not Pass the Polygraph Examination

As part of the security vetting process, the DEA evaluates an individual's background, and makes security and suitability determinations in order to grant or deny eligibility for access to DEA facilities, information, information systems, and classified information.⁹ The DEA also has the authority to use polygraph

⁸ Based on the type of background investigation and level of access required, adjudicators apply appropriate credentialing, suitability, and adjudicative guidelines to determine eligibility for initial and continued access to facilities, information, information system resources, and National Security Information.

⁹ Executive Order 12968 *Access to Classified Information*, states that except under specific instances access to classified information shall be granted only to employees who are U.S. citizens for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the U.S., strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information.

examinations in support of determinations of initial eligibility for access to classified information and initial eligibility to hold a sensitive position. Although federal agencies can require the successful completion of a counterintelligence-scope (CI-scope) polygraph prior to being granted access to classified information, the DEA does not have additional polygraph requirements, outside of its initial pre-employment polygraph requirement, for granting access to or maintaining access to SCI.¹⁰ When Special Agents and other DEA personnel have a need to access SCI, the DEA's Security Program Manager prepares a memorandum requesting SCI access from the Department's Security and Emergency Planning Staff's (SEPS) Security Officer.¹¹ The DEA may include with that request evidence of the need for SCI access and an integrity check performed by the DEA's Office of Professional Responsibility (OPR), confirming that OPR is not aware of any derogatory information that would affect granting the individual SCI access.¹²

We identified nine DEA employees (six Special Agents and three Intelligence Research Specialists) who did not successfully complete the pre-employment polygraph exam, indicating deception to questions pertaining to National Security and Suitability, but were granted TS level security clearance with SCI access.¹³ For example, we found:

- In July 2019, the DEA initiated a pre-employment polygraph exam with an applicant. During the Suitability section, the applicant received a result of "Significant Response" with deception indicated to a question about having ever committed a serious crime. This individual entered on duty after the DEA's March 2019 policy change. Subsequently, this individual was detailed to the Intelligence Division and about 1.5 years later was granted SCI access for a sensitive assignment. This individual is included on the DEA's mitigation list.
- In May 2019, the DEA initiated a pre-employment polygraph exam with an applicant. During the National Security section, the applicant received a result of "Significant Response" with deception indicated to a question about providing classified information to an unauthorized individual. The individual entered on duty after the DEA's March 2019 policy change. Subsequently, the individual was detailed to a sensitive assignment in the Office of Security Programs and granted SCI access. This individual is included on the DEA's mitigation list.

¹⁰ Sensitive Compartmented Information is classified information concerning or derived from intelligence sources, methods, or analytical processes, which is required to be handled within formal access control systems established by the Office of the Director of National Intelligence.

¹¹ The DOJ's Security and Emergency Planning Staff (SEPS) is the primary office responsible for developing, implementing, and ensuring compliance with security policy throughout the Department. SEPS grants clearance for access to SCI material for Department employees. SEPS also delegates its authority to component security personnel, such as DEA's Security Program Manager, to adjudicate background investigations, and reinvestigations for their employees and contractors, and to grant waivers so new employees can begin work.

¹² OPR is responsible for investigating allegations of misconduct against DEA employees, contractors, and deputized Task Force Officers.

¹³ We identified six DEA employees who were hired and granted TS level security clearance with SCI access despite failing to successfully complete the polygraph exam after the March 2019 policy change. However, due to the potential national security and insider threat risk to DEA operations, the OIG brought to the DEA's attention nine employees in our audit scope (FYs 2017 through 2023) who were granted a TS level security clearance with SCI access who did not successfully complete a pre-employment polygraph exam.

- In August 2017, the DEA initiated a pre-employment polygraph exam with an applicant. During the Suitability section, the applicant received a result of “Significant Response” with deception indicated to a question about falsifying information on application documentation. The Polygraph Examiner stopped the exam and rescheduled the National Security section. In October 2017, the DEA conducted the remaining National Security section of the polygraph exam. The applicant received a result of “Significant Response” with deception indicated to a question about hiding contact with anyone from a foreign country. This individual entered on duty prior to the DEA’s March 2019 policy change. Subsequently, the individual was detailed to a sensitive assignment in the Office of Security Programs and granted SCI access. This individual is included on the DEA’s mitigation list.

We asked a DEA official why SCI access was granted to DEA employees who did not successfully complete the pre-employment polygraph exam. A DEA official stated that once the initial determination for security clearance eligibility and suitability standards are met during the pre-employment vetting process, an individual in a core series position is granted TS level security clearance, and if an operational need arises, is considered eligible to be granted SCI access.¹⁴ Further, a DEA official stated that it is the responsibility of the Suitability Section during the pre-employment vetting process to identify, and if possible, to mitigate any issues that are determined to affect an applicant’s suitability for a National Security position.¹⁵ However for seven of the nine DEA employees mentioned above, we could not find evidence that the DEA’s Suitability Section had mitigated the risks identified during the pre-employment polygraph exams. This is particularly concerning because the DEA requested SCI access for these individuals without ensuring the individuals do not pose a security or insider threat risk to DEA operations. A DEA official stated that once SCI access is granted, the Department leverages ODNI’s Continuous Evaluation System to perform automated records checks of commercial databases, U.S. government databases, and other information, to continuously review the background of individuals who have been determined eligible for access to classified information or eligible to occupy a National Security position.¹⁶ Although we agree that the Department’s screening of individuals is an important security tool, the DEA should not rely solely on the Department’s security vetting processes to ensure its employees are appropriately screened and eligible for SCI access. Without formal risk assessment and mitigation procedures to assess and monitor individuals who have failed the polygraph and been granted SCI access, the DEA is potentially allowing bad actors access to classified information and creating inconsistent personnel vetting processes within the agency. Therefore, we recommend that the DEA establish procedures for identifying and mitigating the risks associated with granting SCI access to individuals who failed a pre-employment polygraph exam.

Ensuring Complete Polygraph Records are Provided to the Department

For three of the nine DEA employees who were granted SCI access without successfully completing the polygraph exam, we also determined that the DEA did not provide the polygraph results to SEPS prior to requesting SCI access. ISS Personnel Security Specialists, during the pre-employment vetting process, are

¹⁴ The DEA’s pre-employment vetting may include a background investigation, a pre-employment polygraph exam, psychological assessment, medical exam, physical task assessment, written assessment, and drug analysis.

¹⁵ National Security positions have the potential to cause damage to the national security. These positions have Non-Critical Sensitive, Critical-Sensitive, or Special-Sensitive sensitivity level designations. Many of these positions also require access to classified information at the Confidential, Secret, or TS level.

¹⁶ ODNI’s Continuous Evaluation (CE) process provides more timely access to information that would typically be obtained during the background investigation process such as information obtained through annual credit checks, quarterly public record checks through commercial databases, daily criminal record checks, and monthly U.S. Treasury’s Financial Crimes Enforcement Network (FinCEN) checks.

responsible for documenting and uploading pre-employment vetting decisions, to include background investigations and other hiring-related records into the Department's Justice Security Tracking and Adjudication Records System (JSTARS).¹⁷ In addition, the DEA's Standard Operating Procedures (SOP) for each of the four core series positions require the polygraph Report of Investigation to be entered into JSTARS. However, based on our review of each of the SOPs, we could not identify a timeframe as to when the Report of Investigation should be entered into JSTARS, or if a check is performed to ensure the report has been entered. Without such requirements and controls, the DEA is at risk of requesting SCI access for individuals who may not be eligible for it. Also, by not providing SEPS a complete polygraph record, SEPS does not have adequate information to grant or deny SCI access to DEA employees. Therefore, we recommend that the DEA establish a time requirement for and implement controls to ensure that the polygraph Report of Investigation is entered into JSTARS, according to DEA policy.

Maintaining Polygraph Records in Accordance with DEA Policy

According to the DEA's November 2023 Polygraph Screening Policy, completed polygraph examinations are required to be electronically stored for a period of 5 years. Polygraph casefiles include polygraph charts, audio tapes, Statements of Consent, medical waivers, and other materials documenting the findings and conclusions resulting from polygraph exams. The DEA also has record control schedules, which are approved by the U.S. National Archives and Records Administration and outlined in the DEA's Records Information System Handbook. The record control schedules provide disposition guidelines for operational, financial, and administrative records.¹⁸

¹⁷ Security clearance and background investigation information for the Department is maintained and tracked in the Justice Security Tracking and Adjudication Records System (JSTARS). In August 2023, JSTARS migrated to the latest version JSTARS Next Gen.

¹⁸ Disposition instructions determine whether records are deemed "permanent" or "temporary" and specify the retention period. "Permanent" records are transferred to the U.S. National Archives and Records Administration, while "temporary" records are eventually destroyed following the disposition instructions contained in the agency's control schedules.

Figure 5

DEA Record Control Schedules

Personnel Security Files	Integrity Files	Employment Application Program Management Files	SIUNet Files
<ul style="list-style-type: none"> • Records related to security clearances; access to government facilities or to sensitive data; and initial eligibility determinations. • Destroy 1 year after consideration of a candidate ends. Destroy 5 years after an employee or contractor relationship ends. 	<ul style="list-style-type: none"> • Records related to internal investigations of criminal or civil violations, DEA regulations, and integrity and security matters. • Disposition not authorized. 	<ul style="list-style-type: none"> • Records related to the administration and operation of the employment application program. • Destroy after 6 years. 	<ul style="list-style-type: none"> • Records related to the SIU and VU programs and the Foreign Judicial Wire Intercept Program. • No Disposition Schedule.

Source: DEA

As shown in Figure 5, each type of file has a different record retention requirement based on the type of information being maintained. Since polygraph examinations are conducted in support of pre-employment vetting, foreign screenings, and internal reviews and investigations, polygraph-related documents may reside in multiple case management systems. A DEA official explained that the Polygraph Unit's case management system resides under the Employment Application Program Management Files record control schedule, which states records are to be destroyed after 6 years. We noted that this retention period conflicts with the November 2023 Polygraph Screening Policy, which states that polygraph exams are to be stored for a period of 5 years. A DEA official stated that polygraph-related records residing in other case management systems are being maintained for longer than 5 years. As the main repository for polygraph records, we are concerned that if the Polygraph Unit does not maintain records for an appropriate amount of time, the DEA is at risk of being unable to identify and mitigate the risks associated with individuals who indicated deception to polygraph questions or made concerning disclosures during the exam. This would be the case when granting SCI access to an individual who failed the polygraph exam more than 5 years ago. A DEA official stated that its Records Management Unit is in the process of revising the entire agency's record control schedules, including the retention of polygraph records. As part of that effort, the DEA informed us that it identified SIUNet as "unscheduled," meaning a disposition schedule has not been established, and therefore, the DEA is in the process of establishing a disposition policy for records residing in SIUNet, including polygraph-related records.¹⁹

¹⁹ SIUNet is an electronic database, which assists in the tracking of foreign officials' polygraph and drug screening results, completion dates for training, and time in the DEA-sponsored vetted unit.

A DEA official explained that polygraph casefiles for polygraph examinations conducted prior to October 2019 reside in an older polygraph database, which is currently stored on a stand-alone desktop. When polygraph casefiles prior to 2019 are needed, the stand-alone desktop must be accessed to pull up the polygraph data. A DEA official stated that the DEA is in the process of transferring the polygraph casefiles from the older database to its newer polygraph database, which is stored in the cloud. During this time, the DEA plans to address storage requirement needs and its record retention policy to ensure that polygraph records are being maintained for an appropriate amount of time. Therefore, we recommend that the DEA complete its record retention policy review, to include establishing appropriate and consistent record retention policies for the maintenance of all polygraph casefiles.

DEA Needs to Mitigate the Risks Associated with Granting Access to Classified Information to Contractors Who Did Not Pass the Polygraph Exam

According to the DEA's Polygraph Screening Policy, if a contract employee is working on a DEA contract which requires the contractor to hold a security clearance rather than a Public Trust designation, and the contract employee receives a "Significant Response" or "Countermeasures" result on a polygraph exam, or makes an admission constituting a possible criminal act or other misconduct, regardless of the polygraph result, that individual must be removed from working under the contract. All other contractors working on contracts requiring a Public Trust designation, who do not successfully complete the polygraph exam, are reviewed for removal on a case-by-case basis.

The DEA provided us a list of 8,324 contractors working on DEA-related contracts as of January 2024, which we compared to our universe of polygraph exams conducted between January 2017 and September 2023. In total, we identified 24 contractors who did not successfully complete a pre-employment polygraph exam while seeking a position with the DEA. As of January 2024, we determined that 15 of the 24 contractors held a Secret or TS level security clearance and currently worked on a DEA contract.²⁰ The remaining nine contractors held a Public Trust designation.²¹ As of March 2024, 3 of the 15 individuals we identified have been removed from contract employment with the DEA and the DEA's security actions have been documented in JSTARs. Additionally, 1 of the 15 individuals has been placed on the DEA's mitigation list. For example, we found:

- In February 2022, the DEA initiated a pre-employment exam with an applicant. During the Suitability section of the exam, the applicant received a result of "Significant Response" with deception indicated to a question regarding falsified information on application documentation. The individual was a DEA contractor with a Secret level security clearance, assigned to the DEA's Intelligence Division. In 2024, the individual was removed from contract employment with the DEA.

²⁰ The DEA's requirement for contractors who hold a security clearance to be removed from a DEA contract in the event they receive a "Significant Response" or "Countermeasures" polygraph result began in October 2021. We identified two DEA contractors who held a security clearance despite failing to successfully complete a polygraph exam after October 2021. However, due to the potential national security and insider threat risk to DEA operations, the OIG identified 15 contractors in our audit scope (FYs 2017 through 2023) who held a Secret or TS level security clearance who did not successfully complete a pre-employment polygraph exam.

²¹ The DEA provided evidence that each of the nine contractors have been placed on the DEA's mitigation list and the OIG will continue to monitor the DEA's efforts to address our concerns regarding contractors who hold a Public Trust designation and did not successfully complete the polygraph exam.

- In February 2022, the DEA initiated a pre-employment exam with an applicant. During the Suitability section of the exam, the applicant received a result of “Significant Response” with deception indicated to a question regarding involvement with serious crimes. The individual was a DEA contractor with a Secret level security clearance, assigned to a DEA field division. In 2024, the individual was removed from contract employment with the DEA.
- In October 2021, the DEA initiated a pre-employment polygraph exam with an applicant. During the Suitability section of the exam, the applicant received a result of “Significant Response” with deception indicated to a question regarding withholding information about committing a serious crime. During the exam, the applicant disclosed that they falsified information on application documentation. The individual was a DEA contractor with a TS level security clearance, assigned to the DEA’s Operations Division. In 2024, the individual was removed from contract employment with the DEA.
- In September 2020, the DEA initiated a pre-employment polygraph exam with an applicant. During the Suitability section of the exam, the applicant received a result of “Significant Response” with deception indicated to a question regarding falsified information on application documentation. The applicant also made a disclosure about prior drug use. The individual was a DEA contractor with a Secret level security clearance for the purpose of analyzing large volumes of investigative data and preparing reports for the DEA’s Intelligence Division. As of early 2024, the individual has been included on the DEA’s mitigation list.

We asked a DEA official why contractors were allowed to remain on DEA contracts after indicating deception to polygraph questions or making potentially disqualifying disclosures during the exam. A DEA official stated that contractors who remained on DEA contracts after indicating deception to polygraph questions after October 2021 were an oversight by the DEA and should have been removed from the contracts in accordance with DEA policy. By allowing contractors to remain on DEA contracts which require a Secret or TS level security clearance after indicating deception on the polygraph exam, in violation of DEA policy, the DEA is unnecessarily assuming the inherent risk that the established policy is intended to mitigate. Additionally, this type of action may put the DEA at risk for intentional and unintentional compromise of classified information. To address our concerns, the DEA has established defined roles, responsibilities, and timelines for reporting, and, if necessary, the removal of contractors who do not successfully complete the pre-employment polygraph exam, as shown in Figure 6.

Figure 6

DEA's Reporting Process for Contractors Who Do Not Successfully Complete the Polygraph

Within 1 business day of receiving the results, the Polygraph Section Chief will notify the Office of Professional Responsibility, Office of Security Programs Suitability Section, and Personnel Security Section.

If the contract requires a security clearance, the Chief Inspector will notify the Contracting Officer's Representative to initiate the removal of the contractor.

If the contract requires a Public Trust designation, the Chief Inspector will review the polygraph results for removal on a case-by-case basis.

Source: DEA

To be consistent with the Polygraph Screening Policy, the DEA also updated its Financial and Acquisition Management Policy Manual (FAMPM) § 1205.07(B), *Personnel Clearances*, to state that persons who received a "Significant Response" or "Countermeasures" result on a DEA pre-employment polygraph exam with or without an admission, or who make an admission constituting a possible criminal act or other misconduct regardless of the polygraph result, are not eligible for selection as DEA contract personnel. Additionally, the screening of new contract personnel must include written or email confirmation from the Polygraph Unit stating that the individual has not failed a DEA pre-employment polygraph exam and/or did not make an admission constituting a possible criminal act or other misconduct regardless of the polygraph result. On April 23, 2024, the DEA issued a broadcast message informing all agency personnel of the updates to the Polygraph Screening Policy and FAMPM.

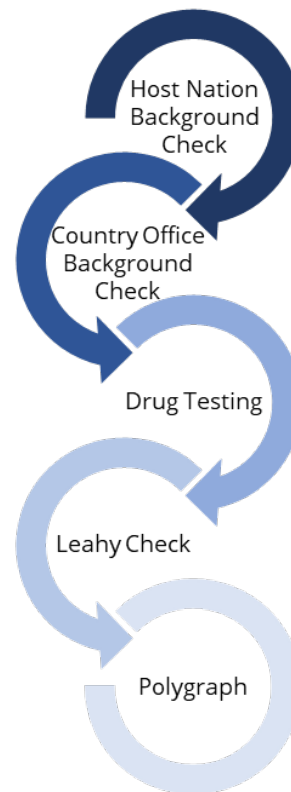
The DEA has also provided training to relevant personnel on its updated policies and newly implemented procedures for contractors. Those training objectives included: (1) identifying where to find guidance on what constitutes a "serious" admission during a DEA pre-employment exam; (2) understanding DEA polygraph requirements for contractors who fail a pre-employment polygraph exam; and (3) applying the process to remove DEA contractors who fail the polygraph and/or make significant admissions during the exam. The DEA has provided evidence that three individuals we identified have been removed from contract employment with the DEA and one individual has been placed on the DEA's mitigation list. The DEA has not yet provided information regarding the remaining 11 contractors we identified as having a Secret or TS level security clearance who did not successfully complete a pre-employment polygraph exam. Therefore, we recommend that the DEA ensure that contractors who hold a security clearance and have not

successfully completed the pre-employment polygraph examination are removed from DEA contracts, in accordance with DEA policy.

DEA Needs to Ensure Foreign Officials Who Did Not Pass the Polygraph Are Not Permitted to Join or Remain in DEA Foreign Vetted Units

Through DEA-supported foreign law enforcement units, known as Sensitive Investigative Units (SIU) and Vetted Units (VU), the DEA collaborates with foreign countries, known as Host Nations, to conduct bilateral enforcement operations and intelligence sharing. The DEA's SIU and VU programs allow for investigative collaboration to target and prosecute major international transnational criminal organizations impacting the U.S. DEA vetted units are comprised of Host Nation law enforcement, military, and/or government personnel working under the guidance and support of DEA Country Offices.

Prior to entry into a DEA vetted unit, all foreign candidates must successfully pass a Host Nation and a Country Office background check, drug screening, human rights check, known as "Leahy Vetting," and a foreign screening polygraph exam.²² The purpose of the polygraph is to identify foreign officials who may be involved with: (1) illegal drug use; (2) illegal involvement with drug traffickers; (3) infiltration into the unit; (4) the improper dissemination of sensitive investigative information and intelligence, and (5) other illegal activity. The DEA's vetting of foreign officials helps ensure that the information DEA shares with members of its vetted units will not be compromised or inappropriately disseminated, particularly to drug trafficking organizations targeted by the DEA.



Source: DEA

Candidates must successfully complete the foreign screening polygraph exam with a result of "No Significant Response" to be accepted into a SIU or VU program.²³ Based on the significant risks we identified in our MAM, we performed a review of 1,507 foreign officials' polygraph exams conducted between January 2020 and July 2023 to determine if the DEA had allowed any foreign officials who did not successfully complete the polygraph to operate on an SIU or VU. We identified three foreign officials operating on vetted units who did not successfully complete the foreign screening polygraph exam. Specifically, we found:

²² Federal agencies, such as the DEA, will request the State Department to perform a human rights check, known as "Leahy Vetting," to ensure a foreign candidate, and the foreign security force they work for, is not listed in the State Department's tracking system as being credibly implicated in a gross violation of human rights prior to entry in a DEA-vetted unit.

²³ The DEA does not permit retests of a foreign screening exam unless authorized by the Polygraph Unit Chief.

- In February 2023, a candidate took the foreign screening polygraph exam and received a result of “No Opinion,” meaning an overall polygraph result was unable to be determined because a conclusive test result could not be determined for questions regarding involvement with serious crimes, infiltration of the SIU, and releasing investigative information. The candidate was incorrectly identified in SIUNet as having successfully completed the polygraph exam and was admitted to a South American SIU in June 2023. The SIU member’s assignments while on the SIU included analyzing intercepted calls, writing reports, and conducting mobile surveillance. On October 13, 2023, the OIG provided the DEA a list of individuals, including this candidate, who did not successfully complete the foreign screening polygraph exam. On October 16, 2023, the Country Office sent the candidate to the DEA’s SIU Basic Training course held at the DEA Academy in Quantico, Virginia. On October 17, 2023, the DEA removed the candidate from training and sent the individual back to South America. The DEA provided documentation showing the individual had been removed from the SIU and that SIUNet was updated to correctly identify the individual as having departed the SIU and having not successfully passed the polygraph exam.
- A candidate was admitted to a Central American SIU in March 2019 after successfully completing the initial foreign screening polygraph exam. The SIU member’s assignments while on the SIU included analyzing documents and monitoring identification systems relating to maritime assets. In June 2022, the SIU member was scheduled to take the re-screening polygraph exam, which DEA requires SIU members to take and successfully complete every 3 years, but the exam was not conducted because the individual was ill. However, the SIU member was incorrectly identified in SIUNet as having successfully completed the polygraph exam. In July 2023, the SIU member left the SIU, having been allowed to operate on a Central American SIU for more than a year without taking the re-screening polygraph exam as required by the DEA. The DEA provided documentation showing the individual took a different position and left the SIU. SIUNet was updated to correctly identify the individual as having not taken the June 2022 exam and no longer being a member of the SIU.
- A candidate was admitted to a Central American SIU in September 2021. The SIU member operated on the SIU for more than 2 years after receiving a result of “Significant Response,” with deception indicated to questions regarding infiltrating the unit and involvement with serious crimes in July 2021. The SIU member’s assignments included proactive surveillance on identified targets and reactive surveillance on actionable leads. We found that the individual was incorrectly identified in SIUNet as having successfully completed the polygraph exam. We also found that the individual was incorrectly listed as having successfully completed the polygraph on the Trip Report, which is a summary report prepared by the Trip Lead (Polygraph Examiner) listing each candidate’s polygraph result. On October 13, 2023, the OIG provided the DEA a list of individuals, including this candidate, who did not successfully complete the foreign screening polygraph exam. The DEA immediately removed the SIU member on October 16, 2023, and SIUNet was updated to correctly identify the former SIU member as having failed the polygraph examination.

We asked a DEA official how candidates were allowed to operate on SIUs without successfully completing foreign screening polygraph exams as required by DEA policy. A DEA official acknowledged that the information entered into SIUNet and relied upon by Country Offices should be correct. In May 2023, the DEA began requiring all Country Offices to upload into SIUNet the polygraph Report of Investigation to document the polygraph result for each foreign official record in SIUNet. Prior to this, Country Offices often relied on the Trip Report to enter polygraph results into SIUNet. In October 2023, the DEA also established

new procedures to compare the results of the Trip Report with the polygraph Report of Investigation to help identify any discrepancies between the documents. Further, either during the initial upload, or within 24 hours of the initial upload into SIUNet of the polygraph Report of Investigation and other required documentation, another DEA employee will perform a quality control review of the information. If any discrepancies are found, the Quality Control Reviewer will correct the data entry error and notify appropriate DEA officials at the Country Office. This secondary independent review will assist in preventing and identifying incorrect information being entered into SIUNet. On October 16, 2023, the newly established procedures were disseminated through email to DEA Country Offices. A DEA official also stated that the DEA is in the process of determining if the polygraph database can electronically upload the polygraph Report of Investigation to SIUNet, eliminating the need for data entry and limiting the possibility of human error or purposeful wrongdoing.

Once in a vetted unit, all SIU and VU members must undergo annual Leahy Vetting and must successfully complete an annual drug screening and foreign polygraph exam every 36 months. If a polygraph examination cannot be conducted within 36 months, a 1-year extension can be made in writing. SIU or VU members who receive a "No Opinion" or "Administrative Opinion" polygraph result must be retested as soon as possible by the Polygraph Unit. If an SIU or VU member receives a polygraph result of "Countermeasures" or "Significant Response," the foreign official will be immediately removed from the unit. SIU and VU members may also be asked to submit to periodic drug screening or polygraph examinations. We identified three foreign officials operating on vetted units who were overdue for a foreign screening exam, as follows:

- A candidate was admitted to a South American SIU after successfully completing the initial foreign screening polygraph exam in January 2020. In February 2023, the SIU member took the foreign re-screening polygraph exam and received a result of "No Opinion," meaning an overall polygraph result was unable to be determined because a conclusive test result could not be determined for questions regarding involvement with serious crimes and releasing investigative information. The DEA could not provide evidence that an extension had been requested. In July 2023, the DEA retested the individual and they received a polygraph result of "Countermeasures," meaning the individual made an effort to alter the physiological data collected during the exam. The DEA provided documentation that on August 22, 2023, the SIU member was removed from the South American SIU.
- A candidate was admitted to a Central American SIU after successfully completing the initial foreign screening polygraph exam in February 2020. In December 2022, the individual took the foreign re-screening polygraph exam and received a result of "No Opinion," meaning an overall polygraph result was unable to be determined because a conclusive test result could not be determined for questions regarding involvement with serious crimes and releasing investigative information. The DEA could not provide evidence that a 1-year extension had been requested in February 2023. In August 2023, the SIU member was retested and received a result of "Significant Response" with deception indicated to a question regarding providing sensitive information to an unauthorized person. The DEA provided documentation that on September 6, 2023, the SIU member was removed from the Central American SIU.
- A candidate was admitted to a Central American SIU in December 2012. The DEA provided evidence that the SIU member successfully completed the foreign re-screening polygraph exams in September 2016 and December 2019. In November 2022, the SIU member was scheduled to take

the foreign re-screening polygraph exam but received a result of “Administrative Opinion” because the individual was too ill to take the exam. The DEA could not provide evidence that a 1-year extension had been requested or granted. On February 5, 2024, more than 4 years after the last polygraph exam, the SIU member was retested and received a “Countermeasures” polygraph result. The DEA provided documentation that on February 8, 2024, the SIU member was removed from the Central American SIU.

We asked a DEA official what steps the DEA takes to identify foreign officials who are overdue for a polygraph exam and ensure those individuals are prioritized to receive a re-screening exam. A DEA official stated that it has prioritized the retesting of all individuals identified as overdue for a polygraph exam but stated that it is important to note that because foreign travel for its Polygraph Examiners require a lot of logistical planning, delays do occur. The DEA is also updating SIUNet to better identify SIU and VU members who need recertifications and retesting as required by the DEA. For example, if a SIU or VU member is overdue for a foreign screening polygraph examination, SIUNet will show when the foreign official is due for the exam, and it will also highlight non-compliance items in red font to better identify issues requiring immediate attention.

The DEA is also instituting new internal procedures to improve its data management between Country Offices and the Office of Foreign Operations, International Impact Section (OFP), which is responsible for headquarters-based oversight of the SIU and VU programs. Specifically, the DEA will start performing quarterly data quality reviews at both its Country Offices and OFP to improve overall data accuracy in SIUNet and to assist with the identification of SIU and VU members out of compliance with DEA requirements. The DEA has also implemented an SIUNet Training and Program Assistance course for Country Office personnel managing and working in SIU and VU programs. The course covers: (1) SIU and VU program requirements; (2) roles and responsibilities for the Country Coordinator and Advisor; (3) fiscal and administrative requirements; (4) preparing for OFP and Inspection reviews; and (5) SIUNet data requirements. In September 2023, the DEA held the first course in the Dominican Republic. We recommend that the DEA formally implement its newly established procedures to prevent foreign officials who do not successfully complete the foreign screening polygraph exam from being admitted to DEA-sponsored vetted units and ensure foreign officials receive timely foreign screening polygraph exams as required by DEA policy.

Duplicate SIUNet Records

According to the DEA Agents Manual, in order to maintain an accurate record of all foreign officials who are or have been involved in the SIU and VU programs, SIUNet must be updated on a regular basis. We requested that the DEA provide us a listing of all foreign screening polygraph exams conducted between January 2020 and July 2023. As a result of that review, we identified 200 records in SIUNet that were duplicates. We provided the list of duplicate records to the DEA and asked them to explain why the foreign officials had more than one record in SIUNet. Based on the DEA's review of those records, the DEA provided documentation showing that 23 of the records were created in error and 177 of the records were created to upload additional documentation about a foreign official. By allowing duplicate records to be created, the DEA is at greater risk of inaccurate or outdated information being relied upon in SIUNet.

At the time of our audit fieldwork, the DEA did not have the capability to delete records in SIUNet and users could upload only one attachment per record in SIUNet. If a Country Office uploaded more than one attachment (i.e. Report of Investigation, drug screening, or Leahy Vetting) to a foreign official's file, another record had to be created with the new attachment, creating duplicate records. A DEA official explained that if the DEA needed to delete a record in SIUNet, it had to request that its contractor, who developed the

software, perform the deletion. In May 2023 through August 2023, the DEA obtained the capabilities for users to: (1) delete a record within 24 hours of creating it (to include candidate records); (2) upload multiple attachments to a record; and (3) edit and delete attachments. A DEA official stated that its review of duplicate records continues but that the capabilities obtained for SIUNet will assist in fixing identified erroneous records and improve overall data management integrity. Therefore, we recommend that the DEA complete its review of SIUNet records to ensure that inaccurate and duplicate data is removed and/or corrected.

Task Force Officers with Polygraph Issues Should Not Remain on Task Forces

According to the DEA's polygraph policy, if a Task Force Officer receives a polygraph result of "Significant Response" or "Countermeasures," with or without a potentially disqualifying disclosure, the Task Force Officer is not only ineligible for hire by the DEA but also must be returned to their parent law enforcement agency.²⁴ In our MAM, we identified Task Force Officers who received a "Significant Response" result on the DEA's pre-employment polygraph examination but were allowed to remain on DEA-led task forces contrary to the DEA's policy.

After issuing the MAM, we completed our review of Task Force Officers working on DEA-led task forces. Specifically, we compared a list of 4,555 Task Force Officers as of October 2023 to our universe of polygraph exams conducted between January 2017 and September 2023. In total, we identified 28 Task Force Officers who did not successfully complete the pre-employment polygraph exam but who were allowed to remain on DEA task forces.²⁵ As of September 2023, the DEA provided evidence that 10 Task Force Officers, who took the exam after the October 2021 policy, have been returned to their parent law enforcement agencies and that the DEA has ended their deputizations.²⁶ The remaining 18 Task Force Officers have been placed on the DEA's risk mitigation list for review.

By allowing Task Force Officers to remain on DEA task forces after indicating deception to polygraph questions, in violation of DEA policy, the DEA is unnecessarily assuming the inherent risk that the established policies are intended to mitigate. Additionally, this type of action may put the DEA at risk for intentional and unintentional compromise of sensitive DEA operations and jeopardize public trust. To address our concerns, the DEA has established defined roles, responsibilities, and timelines for the

²⁴ The DEA does not require Task Force Officers from local, state, and other federal law enforcement agencies to successfully complete a polygraph examination prior to working on a DEA-led task force. According to a DEA official, Task Force Officers are required to have a letter in good standing from their parent law enforcement agency and are cleared at the Public Trust level by the DEA's Security Programs. However, if a Task Force Officer seeks employment with the DEA for a position that requires a polygraph examination as part of the pre-employment process, the Task Force Officer is required to successfully complete a polygraph examination as part of the DEA's pre-employment vetting process.

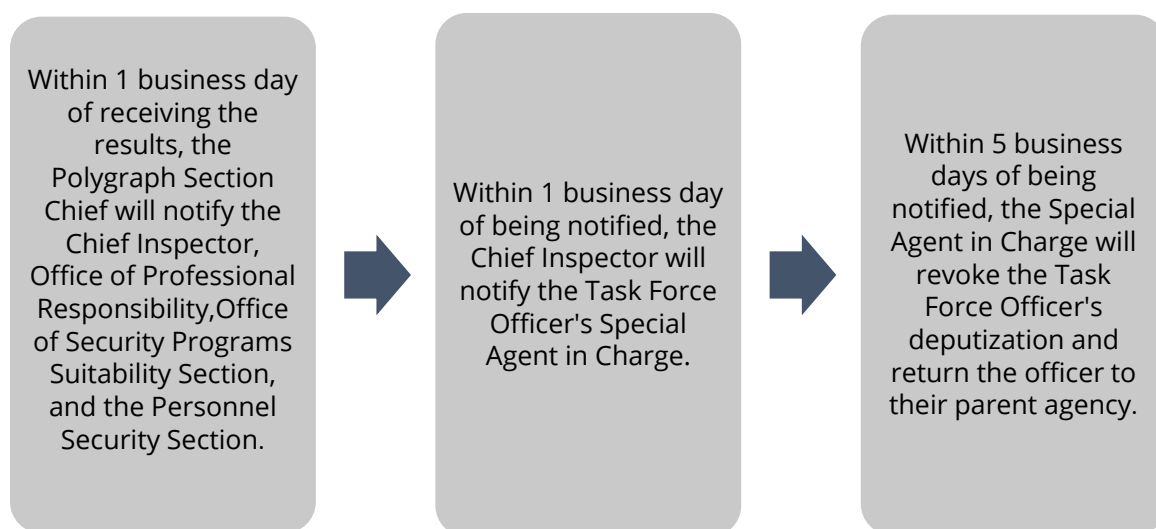
²⁵ The DEA's requirement that Task Force Officers who did not successfully complete the pre-employment polygraph examination be returned to their parent law enforcement agency began in October 2021. Due to the potential security risks to DEA operations, the OIG identified 28 Task Force Officers in our audit scope (FYs 2017 through 2023) who did not successfully complete a pre-employment polygraph exam.

²⁶ Pursuant to 21 U.S.C. § 878, the Attorney General has the authority to deputize state and local law enforcement officers, granting them certain statutorily enumerated enforcement powers. While deputized and serving on DEA-led task forces, Task Force Officers are subject to the policies and procedures of the DEA.

reporting and removal of Task Force Officers who do not successfully complete the pre-employment polygraph exam.

Figure 7

DEA's Reporting Process for Task Force Officers Who Do Not Successfully Complete the Polygraph



Source: DEA

To be consistent with the Polygraph Screening Policy, the DEA also updated its Agents Manual to require state and local officers who received a “Significant Response” or “Countermeasures” result on a DEA pre-employment polygraph exam with or without an admission to be returned to their parent agency. Additionally, prior to deputizing a state or local officer, written confirmation must be obtained from the Polygraph Unit stating that a Task Force Officer has not previously failed a DEA pre-employment polygraph exam. On April 23, 2024, the DEA issued a broadcast message informing all agency personnel of the updates to the Polygraph Screening Policy and Agents Manual.

The DEA has also provided training to relevant personnel on its updated policies and newly implemented procedures for Task Force Officers. Those training objectives included: (1) identifying where to find guidance on what constitutes a “serious” admission during a DEA pre-employment polygraph exam; (2) understanding DEA policy requirements for Task Force Officers who fail a DEA pre-employment polygraph exam; and (3) applying the process to revoke deputization of Task Force Officers who fail the polygraph exam. The OIG will continue to monitor the DEA's efforts to address our MAM recommendation that the DEA ensure that Task Force Officers who have not successfully completed the pre-employment polygraph examination are returned to their parent law enforcement agency, in accordance with DEA policy.

Training on Newly Implemented Policies and Procedures to Prevent Potential Inappropriate Influence Related to the Polygraph Examinations of “Legacy” Special Agent Candidates is Needed

In our MAM, we identified multiple DEA personnel who had perceived or experienced pressure to influence polygraph examinations for “legacy” candidates, be it the outcome or the expediency with which an examination is performed.²⁷ As a result, we recommended that the DEA implement clear policy designed to prevent inappropriate influence and potential conflicts of interest in the DEA’s pre-employment polygraph process, including a prohibition on anyone with a direct or indirect connection to a candidate for employment contacting the Polygraph Examiner during the employment process. In response to the MAM, the DEA updated its Polygraph Manual to state that any attempts by a DEA employee to exert influence or pressure upon an examiner regarding the outcome of any polygraph exam are required to be reported to the Polygraph Program Manager immediately. The Polygraph Program Manager will, in turn, report that information to the Polygraph Section Chief and Deputy Chief Inspector.²⁸

To further mitigate the risk of improper influence on the Polygraph Unit, the DEA also updated its Polygraph Manual to prohibit Polygraph Examiners from administering exams to: (1) family members of any current DEA employee assigned to any office within the examiner’s field division; (2) Task Force Officers assigned to the examiner’s field division, district, or resident office; (3) any examinee with whom the examiner has worked or collaborated closely with; and (4) any examinee with whom the examiner has or has had a close, personal relationship. Additionally, the Polygraph Program Manager or a Polygraph Coordinator will conduct polygraph examinations of any “relative” or a current or former DEA supervisor. The Polygraph Unit will also make every effort to identify and resolve potential conflicts of interest prior to scheduling pre-employment polygraph exams. If a potential conflict of interest becomes known during an exam, the Polygraph Examiner is required to pause the exam and notify either the Polygraph Program Manager or a Polygraph Coordinator of the potential conflict of interest. The Polygraph Program Manager or the Polygraph Coordinator will assess the risk presented by the potential conflict of interest and advise the Polygraph Examiner whether to continue with the exam.

A DEA official also stated that the DEA’s existing Standards of Conduct, contained in its Personnel Manual § 2735, *Employee Responsibilities and DEA’s Standards of Conduct*, were designed to generally prevent inappropriate influence and potential conflicts of interests. All DEA employees are required to re-certify that they have read and understand these Standards of Conduct on an annual basis. Furthermore, effective December 12, 2023, the DEA updated its Personnel Manual § 2310.15, *Employment of Relatives*, to state:

All DEA employees are prohibited from directly or indirectly engaging in any advocacy that may result in the employment, advancement, or promotion of a relative or other covered individual of a DEA employee, which includes but is not limited to speaking on behalf or support of, recommending, proposing, or supporting the hiring of a relative or other covered individual, or directly or indirectly communicating with a DEA employee involved in the entire pre-employment, selection, or promotion processes on behalf or support of a relative or other covered individual who is an applicant for DEA employment. DEA employees are prohibited from influencing, urging,

²⁷ For this report, we are defining a “legacy” candidate as an applicant who has a relative currently working for the DEA or that previously worked for the DEA.

²⁸ The Polygraph Manual also requires Supervisors to report potential violations to OPR for appropriate investigation, including a written referral within 5 business days of the notification.

advising, or requesting others to hire relatives or other covered individuals. If a DEA employee is in a position wherein a matter involving the employment, advancement, or promotion of a relative or other covered individual, the employee must contact the Finance and Ethics section of the Office of Chief Counsel...and request a recusal consistent with this paragraph.²⁹

In December 2023, the DEA issued a broadcast message informing all DEA personnel of the Personnel Manual § 2310.15, *Employment of Relatives* update. A DEA official stated that the policy is designed to prevent a DEA employee from advocating for the employment of a relative or covered individual, in addition to, advocating for a colleague's relative or covered individual. Policy updates are announced on the DEA's Policy Portal and published quarterly on a policy bulletin, which informs DEA employees of all the policy updates that occurred over the last quarter.

In February 2024, we became aware of a DEA Senior Executive Service (SES) employee who was potentially inappropriately intervening in the DEA's hiring process. According to a DEA official, the DEA SES employee contacted a Human Resources official to advocate for the re-evaluation of a past polygraph exam conducted and to request a polygraph re-test be conducted on a legacy applicant.³⁰ In accordance with the DEA's current policy, the Human Resources Section Chief met with the Section Chief over the Polygraph Unit to discuss the results of the previous polygraph exam, and both made a determination that the polygraph exam was administered in accordance with DEA policy and procedures and that the applicant was not eligible for a polygraph re-test. In addition, the applicant was removed from the DEA's hiring process. However, the fact that DEA personnel continue to attempt to intervene in the DEA's hiring process to advocate for legacy applicants, despite the issuance of our MAM and the DEA's updated Personnel Policy, indicates that the DEA needs to do more to ensure its employees understand and comply with the recent policy changes.

Collectively, the DEA's updated Personnel Manual, Polygraph Manual, and policies requiring that alleged violations be reported and investigated, are good steps to provide clear policy designed to prevent inappropriate influence and potential conflicts of interest in the DEA's pre-employment polygraph process. Further, the DEA's broad prohibition on inappropriate contact with other DEA personnel to advocate for the hiring of a relative of a DEA employee, which includes but extends beyond the Polygraph Unit to encompass all DEA employees involved in the pre-employment process is an important step to protect the integrity of the DEA's hiring process. The MAM recommendation can be closed when the DEA provides evidence that it has implemented periodic training for DEA personnel to ensure that its newly established policies and

²⁹ The DEA's term "Relative" includes a DEA employee's or applicant's spouse, parent, guardian, grandparent, sister/brother (including step/half relationships), and child/grandchild (including biological, adopted, foster, or stepchild, legal ward), in-law, aunt, uncle, nephew, niece, or cousin. The DEA's term "Other Covered Individual" includes a domestic partner, a more distant relative with whom the employee has a close personal relationship, or anyone currently residing in the employee's or applicant's household, even temporarily.

³⁰ In 2018, the applicant received a "Countermeasures" result on a DEA-conducted polygraph exam, meaning the individual made an effort intended to alter the physiological data collected during the exam. At that time, it was DEA's practice not to re-test individuals who received a Countermeasures result. In April 2020, the DEA established policy that stated for any unfavorable polygraph result (including a finding of Countermeasures), the decision whether to permit another polygraph exam, after a 3-year waiting period, will be made by Polygraph Unit management in conjunction with Human Resources management. In 2021, the applicant reapplied for a DEA core position.

procedures to prevent inappropriate influence and potential conflicts of interest in the DEA's pre-employment process are being followed by DEA personnel.

Dual-Reporting for Polygraph Examiners

Polygraph Examiners have a dual supervisory structure, reporting to both the Polygraph Unit Chief and the Group Supervisor of the field office where the Polygraph Examiner is stationed. The Polygraph Unit Chief primarily provides Polygraph Examiners with their daily tasks and assignments and reviews their polygraph work. The supervisor in the field approves an examiner's time worked, leave requests, and provides them with a government vehicle and space to conduct polygraph examinations. The field supervisor is also responsible for providing a Polygraph Examiner with the majority of their annual performance review. However, since the supervisor has no direct knowledge of the Polygraph Examiner's performance in conducting polygraph exams, the Polygraph Unit Chief must provide the information for the review. We find it concerning that a DEA supervisor without direct knowledge of an individual's primary job function and performance would be the rating official of record on a performance appraisal. Also, by requiring Polygraph Examiners to report to a supervisor in the field, the DEA may be unnecessarily exposing Polygraph Examiners to inappropriate pressure regarding the outcome and expediency of polygraph exams being conducted. As mentioned above, multiple DEA personnel stated to us that they had perceived or experienced pressure to influence polygraph examinations for "legacy" candidates. Several of those instances involved supervisory DEA officials in the field. A DEA official stated that DEA executive management is currently reviewing the supervisory structure for Polygraph Examiners as part of the DEA's overall evaluation and restructuring of the Polygraph Unit from the Office of Investigative Technology to the Office of Security Programs. Therefore, we recommend that the DEA review the supervisory reporting structure for Polygraph Examiners to ensure examiners can independently carry out the duties and functions of the position.

Inconsistent Rehiring Policies for Former Special Agents and Other Core Series Positions

Former DEA Special Agents, Intelligence Research Specialists, Diversion Investigators, and Chemists seeking rehire with the DEA are subject to the rehiring policies and procedures administered by the Human Resources staffing unit applicable to that position. Those staffing units include the: (1) Special Agent Recruitment Unit; (2) Diversion Staffing Unit; and (3) Intelligence, Forensic Sciences and Foreign Staffing Unit. As shown in Figure 7, the DEA's rehire policies for each of the four core series positions differ, and the DEA does not have written policies for the rehire of Chemists.

Figure 8
Rehire Policies

Special Agent	Intelligence Research Specialist	Diversion Investigator	Chemist
<ul style="list-style-type: none"> • Rehire candidates may be required to successfully complete all phases of the hiring process to include the medical exam, drug testing, physical task test, psychological assessment, polygraph exam, full field background investigation, and final hiring decision. 	<ul style="list-style-type: none"> • Rehire applicants are subject to the same pre-screening process as new applicants, including but not limited to, interviewing, testing, full field background investigation, and polygraph testing. 	<ul style="list-style-type: none"> • Former Diversion Investigators may have to successfully complete some or all phases of the current hiring process to include the medical examination, drug testing, psychological assessment, polygraph examination, full field background investigation, favorable determination of eligibility for a security clearance, and final hiring decision based on length of time from last employment at DEA. 	<ul style="list-style-type: none"> • DEA has no written Chemist rehire policy.

Source: DEA

Since the Special Agent policy did not require rehire candidates to successfully complete all phases of the hiring process, we found that the DEA waived the pre-employment polygraph for a former Special Agent who had received a polygraph result of “Significant Response” with deception indicated to a question regarding past drug use. A DEA official stated that if a Special Agent had resigned the position within the past year and went to work at another federal law enforcement agency as a Federal Law Enforcement Officer without a break in service, the Special Agent Recruitment Unit could waive the polygraph requirement for the applicant. Additionally, the former Special Agent would need a recommendation of rehire by the Special Agent in Charge of the division from which they resigned. The former Special Agent ultimately declined the position with the DEA; however, we find it concerning that the DEA would waive parts of the hiring process, particularly if an individual did not successfully complete the exam during the initial vetting process. The DEA has not articulated a clear explanation for the discrepancies in the policies and procedures for the rehiring of candidates for the DEA’s four core series positions and it has not ensured that its rehiring policies are in alignment with the March 2019 polygraph policy change. Therefore, we recommend that the DEA review its rehire policies and procedures to ensure that the DEA has clear and consistent practices when rehiring former employees for its four core series positions.

Polygraph Case File Review

According to the Polygraph Screening Policy, a completed polygraph casefile includes a: (1) copy of the examinee's identification; (2) signed Statement of Consent; (3) completed Suitability form (used to document whether there are any physical, medical, or psychological issues that would preclude the examinee from taking the exam); (4) signed Drug Use Statement; and (5) completed Report of Investigation. Polygraph Examiners are required to provide casefiles for quality control review within 5 working days of completing the exam. According to a DEA official, the Quality Control Reviewer then has 5 working days to complete their quality control review of the file.³¹

During our audit, we judgmentally selected a sample of 104 pre-employment polygraph case files to determine if the casefiles were complete and the DEA's adjudication of its polygraph results were timely, thorough, and objectively decided. The casefiles included polygraph exams for individuals seeking employment as Special Agents, Intelligence Research Specialists, Forensic Chemists, and contractors seeking work with the DEA. Our sample included polygraphs conducted at field offices, and the Office of Investigative Technology.

We determined that generally polygraph casefiles were provided for quality control review and reviewed by a Quality Control Reviewer in a timely manner. However, we also found that 19 (18 percent) casefiles were not complete. The types of documents that were missing included copies of valid identification, signed Drug Use Statements, signed Statements of Consent, and Suitability forms. A DEA official stated that documents may be missing from a casefile because the Polygraph Examiner forgot to upload a document into the polygraph database. However, as part of the quality control review, these instances should be identified and remedied by the Quality Control Reviewers. During our casefile review, we also found one inaccurate DEA Report of Investigation. Specifically, we found:

- In June 2020, the DEA initiated a pre-employment polygraph exam with an applicant. During the Suitability section, the applicant received a result of "Significant Response" and indicated deception to a question regarding falsifying information on pre-employment documents. For the National Security section, the applicant received a result of "No Opinion," meaning an overall polygraph result was unable to be determined because a conclusive test result could not be determined for a question regarding having an unauthorized foreign contact. Although the applicant did not successfully complete the polygraph exam, the Report of Investigation incorrectly listed the overall test result as "No Significant Response." This individual entered on duty in April 2021, after the DEA's

98 of 104
(94 percent)
polygraphs were
provided for review
within established
timeframes.

100 of 104
(96 percent)
polygraphs were
reviewed within
established
timeframes.

85 of 104
(82 percent)
polygraph casefiles
were complete.

³¹ Because the DEA did not retain all the policies and procedures covering each of the years in our audit scope, we primarily utilized the DEA's 2022 Polygraph policy to conduct our casefile review.

March 2019 policy change, and as of January 2023, was still onboard as an Intelligence Research Specialist.

A DEA official explained that the second page of the Report of Investigation listed accurate polygraph results for each of the polygraph series taken. However, the Polygraph Examiner made a data entry error on the first page incorrectly listing the overall polygraph result as “No Significant Response” when in fact the overall polygraph result should have been listed as “Significant Response.” The quality control review did not catch the mistake. A DEA official stated that the Polygraph Unit is creating a data validation process to ensure the overall polygraph result listed on the first page of the Report of Investigation matches the exam details listed on page two of the report. Additionally, the Polygraph Examiner will be required to electronically sign the Report of Investigation certifying that it is complete and accurate. If a Staff Coordinator or Quality Control Reviewer makes an edit to the Report of Investigation, it will be returned to the Polygraph Examiner for review and approval to ensure that they concur with the changes. Once implemented, these controls will help prevent data entry errors from occurring in the future. Therefore, we recommend that the DEA implement controls to ensure that the polygraph Report of Investigation is being prepared accurately and properly reviewed by the Polygraph Unit.

Polygraph Examiner Certification

To become a DEA Polygraph Examiner, the applicant is required to be a GS-13 Special Agent and successfully complete a CI-scope polygraph examination. Once those standards are met, and the candidate has been selected by the Polygraph Unit, the Special Agent must attend and successfully complete NCCA’s Psychophysiological Detection of Deception training course. Upon completion of NCCA’s training, the Polygraph Examiner is required to complete an internship program that can be expected to last between 6 and 9 months. At a minimum, the Polygraph Examiner must conduct 25 monitored, reviewed, and accepted polygraph examinations prior to becoming a certified Polygraph Examiner. Based on our judgmental review of 22 Polygraph Examiners, we determined that each of the examiners successfully completed both the CI-scope polygraph and NCCA’s training course. We also determined that each of the individuals completed the DEA’s Polygraph Examiner internship program.

Conclusion and Recommendations

Although the DEA had policies in place to utilize the results of pre-employment and other polygraph examinations conducted to lower the overall security and insider threat risk to DEA operations, the DEA was not complying with its own policies and procedures. Specifically, we found that the DEA allowed DEA employees, Task Force Officers, contractors, and foreign partners who did not successfully complete the polygraph and indicated deception to National Security and/or Suitability polygraph questions to be hired or allowed to operate on DEA-led task forces and foreign vetted units in violation of DEA policies. Additionally, we identified Special Agents, Intelligence Research Specialists, and contractors who indicated deception to National Security or Suitability related polygraph questions; yet were granted access to sensitive and classified information by the DEA. We also found that the DEA did not properly evaluate and mitigate the risks associated with applicants hired who made potentially disqualifying disclosures during their pre-employment polygraph exams. As a result, we found that the DEA's Special Agent Hiring Panel relied on inaccurate and incomplete information when making hiring decisions. The Special Agent Hiring Panel also did not have written policies and procedures to ensure its hiring practices were fair and consistent. Further, the DEA has inconsistent policies for the rehiring of former employees in the four core series positions (Special Agent, Intelligence Research Specialist, Diversion Investigator, and Chemist). In addition to our MAM recommendations, we make 12 recommendations to the DEA to help ensure that these identified risks, and others, are appropriately mitigated.

In addition to the 5 recommendations in our August 2023 MAM, we recommend that the DEA:

1. Establish written policies and procedures for the Special Agent Hiring panel to include defined roles and responsibilities for individuals serving on the panel and overseeing the panel.
2. Implement controls to ensure that the documents used to inform hiring panels are accurate, appropriately anonymized, and properly reviewed.
3. Implement controls and provide training to ISS Personnel Security Specialists to ensure polygraph Reports of Investigation are being appropriately reviewed.
4. Establish procedures for identifying and mitigating the risks associated with granting SCI access to individuals who failed a pre-employment polygraph exam.
5. Establish a time requirement for and implement controls to ensure that the polygraph Report of Investigation is entered into JSTARS, according to DEA policy.
6. Complete its record retention policy review, to include establishing appropriate and consistent record retention policies for the maintenance of all polygraph casefiles.
7. Ensure that contractors who hold a security clearance and have not successfully completed the pre-employment polygraph examination are removed from DEA contracts, in accordance with DEA policy.
8. Formally implement its newly established procedures to prevent foreign officials who do not successfully complete the foreign screening polygraph exam from being admitted to

DEA-sponsored vetted units and ensure foreign officials receive timely foreign screening polygraph exams as required by DEA policy.

9. Complete its review of SIUNet records to ensure that inaccurate and duplicate data is removed and/or corrected.
10. Review the supervisory reporting structure for Polygraph Examiners to ensure examiners can independently carry out the duties and functions of the position.
11. Review its rehire policies and procedures to ensure that the DEA has clear and consistent practices when rehiring former employees for its four core series positions.
12. Implement controls to ensure that the polygraph Report of Investigation is being prepared accurately and properly reviewed by the Polygraph Unit.

APPENDIX 1: Objectives, Scope, and Methodology

Objectives

The objectives of this audit were to: (1) assess the DEA's policies and procedures for conducting pre-employment screening and foreign vetting polygraph examinations and (2) determine whether the DEA's adjudication of those polygraph results was timely, thorough, and objective.

Scope and Methodology

The scope of our audit focused on the DEA's use of polygraphs, which the DEA utilizes when conducting pre-employment screening, and foreign partner vetting. Our audit generally covers the DEA's polygraph activities from January 2017 through September 2023.

To accomplish our audit objectives, we conducted fieldwork at DEA Headquarters and at field offices in Lorton, Virginia; Detroit, Michigan; Denver, Colorado; Seattle, Washington; and St. Louis, Missouri, which included observing pre-employment and CI-scope polygraph examinations. We interviewed over 40 DEA personnel, including an Assistant Administrator, Chief Counsel, Deputy Chief Inspector, Adjudicator, Unit Chiefs, Section Chiefs, Special Agents in Charge, Assistant Special Agents in Charge, Group Supervisors, Staff Coordinators, Polygraph Examiners, Special Agents, Recruiters, and Program Analysts. We also spoke to the Chief of NCCA's Quality Assurance Program, officials from JMD's Security and Emergency Planning Staff, and with officials from the FBI and Bureau of Alcohol, Tobacco, Firearms and Explosives.

During the audit we reviewed a sample of 104 polygraph casefiles to determine whether the files were complete, and the DEA's adjudication of its polygraph results were timely, thorough, and objectively decided. The polygraph casefiles included polygraph exams for Special Agents, Intelligence Research Specialists, Forensic Chemists, and contractors seeking work with the DEA. We also analyzed and compared polygraph data from several DEA databases including the Polygraph Enterprise System, the Agent Recruitment Tracking System, and the foreign screening database, SIUNet, to determine if applicants successfully completed the polygraph examinations required by DEA policy.

Statement on Compliance with Generally Accepted Government Auditing Standards

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Internal Controls

In this audit, we performed testing of internal controls significant within the context of our audit objectives. We did not evaluate the internal controls of the DEA to provide assurance on its internal control structure as a whole. DEA management is responsible for the establishment and maintenance of internal controls in

accordance with OMB Circular A-123. Because we do not express an opinion on the DEA's internal control structure as a whole, we offer this statement solely for the information and use of the DEA.³²

We assessed the operating effectiveness of these internal controls and identified deficiencies that we believe could affect the DEA's ability to effectively minimize risk, specifically, the risks associated with hiring Special Agents and certain other applicants who have not successfully completed the polygraph examination as also discussed in our August 2023 MAM. The internal control deficiencies we found are discussed in the [Audit Results](#) section of this report. However, because our review was limited to those internal control components and underlying principles that we found significant to the objectives of this audit, it may not have disclosed all internal control deficiencies that may have existed at the time of this audit.

Compliance with Laws and Regulations

In this audit we also tested, as appropriate given our audit objectives and scope, selected transactions, records, procedures, and practices, to obtain reasonable assurance that the DEA's management complied with federal laws and regulations for which non-compliance, in our judgment, could have a material effect on the results of our audit. Our audit included examining, on a test basis, the DEA's compliance with the following laws and regulations that could have a material effect on the DEA's operations:

- Security Executive Agent Directive 2
- Security Executive Agent Directive 4
- Executive Order 12968: Access to Classified Information
- 5 U.S.C. § 2302: Prohibited Personnel Practices
- 5 U.S.C. § 3110: Employment of Relatives; Restrictions

This testing included interviewing DEA personnel, examining policies and procedures, reviewing polygraph case files, and reviewing complaints and internal investigations.

Sample-Based Testing

To accomplish our audit objective, we performed sample-based testing for polygraph case files. In this effort, we employed a judgmental sampling design to obtain broad exposure to numerous facets of the areas we reviewed. This non-statistical sample design did not allow projection of the test results to the universe from which the samples were selected.

Upon initiating our audit, we requested a list of all polygraphs conducted between FYs 2017 and 2022. The DEA provided us a total of 5,397 exams conducted between FYs 2020 and 2022 from its polygraph database. During our audit, we requested and received an updated listing of polygraph exams conducted between October 2022 and September 2023. The lists of exams included pre-employment, foreign screening, contractor screening, specific issue, CI-scope, and other polygraphs conducted. As previously mentioned,

³² This restriction is not intended to limit the distribution of this report, which is a matter of public record.

polygraph casefiles prior to October 2019 reside in an older polygraph database, and that database is not able to provide a list of all polygraphs conducted.

To obtain sufficient audit evidence, we requested from DEA a list of all polygraphs conducted between FYs 2017 and 2022 for Special Agents, Intelligence Research Specialists, Diversion Investigators, and Forensic Chemists. The DEA provided us a total of 3,893 polygraphs conducted, including 1,551 polygraphs that were not listed in the polygraph database. We included these polygraphs in our universe for a total of 6,948 polygraphs conducted. However, since the DEA could not provide a list of the foreign screening, contractor screening, specific issue, and CI-scope polygraphs conducted between FYs 2017 and 2019, the universe of polygraphs conducted for the scope of our audit was incomplete. Therefore, due to the DEA's system limitations, we designed and performed additional audit testing. We judgmentally selected a sample of 104 polygraph case files including applicant, contractor, and Task Force Officer polygraphs conducted. We also reviewed foreign screening and CI-scope polygraph casefiles. As noted, we did not perform a review of specific issue polygraph casefiles. Since we were able to obtain sufficient audit evidence through additional testing to meet our audit objectives, we do not take issue with the DEA's system limitation.

Computer-Processed Data

During our audit, we obtained information from the DEA's polygraph database, foreign operations database, and human resources databases. We noted that the DEA's retired polygraph database could only provide data at a summary level and did not contain detailed data entries. We also found duplicate records in the foreign operations database, SIUNet. Because we did not test the reliability of DEA's systems as a whole, any findings identified involving information from those systems were verified with documentation from other sources.

APPENDIX 2: The Drug Enforcement Administration's Response to the Draft Audit Report



U.S. Department of Justice
Drug Enforcement Administration
Office of Compliance
8701 Morrisette Drive
Springfield, Virginia 22152

www.dea.gov

MEMORANDUM

TO: Jason R. Malmstorm
Assistant Inspector General for
Audit Department of Justice
Office of the Inspector General

FROM: Edward J. Kovacs
Acting Chief of Compliance
Office of Compliance

EDWARD
KOVACS

Digitally signed by
EDWARD KOVACS
Date: 2024.09.11
08:00:01 -04'00'

SUBJECT: DEA Response to Office of the Inspector General Draft Audit Report titled *Audit of the Drug Enforcement Administration's Use of Polygraph in the Pre-Employment and Foreign Vetting Processes*

The Drug Enforcement Administration (DEA) has received the Department of Justice (DOJ), Office of the Inspector General (OIG), Audit Division report titled, "Audit of the Drug Enforcement Administration's Use of Polygraph in the Pre-Employment and Foreign Vetting Processes." DEA acknowledges and is appreciative of the role OIG played in identifying areas of concern in the pre-employment and vetting process for positions that require a polygraph examination.

Throughout this review DEA took proactive steps to address the risks relating to the results of polygraph examinations in its hiring process prior to the conclusion of this audit. DEA actively updated and implemented new policy, developed a mitigation plan to mitigate risk associated with having hired certain individuals who did not successfully complete the polygraph examination, conducted training, and instituted internal controls to ensure DEA is protected against insider threats and law enforcement partner risks.

DEA looks forward to working with OIG to address the remaining concerns provided in this report and provides the below response to the OIG recommendations.

Recommendation 1. Establish written policies and procedures for the Special Agent Hiring panel to include defined roles and responsibilities for individuals serving on the panel and overseeing the panel.

DEA RESPONSE

DEA concurs with this recommendation. To address this recommendation, DEA's Human Resource Division and Inspection Division began developing a Hiring Review Process Standard Operating Procedure (SOP) to establish a consistent and fair process for evaluating applicants for positions within DEA. The SOP includes written policies and procedures for hiring, outlines the roles and responsibilities of panel members (as applicable) and reviewers, ensures compliance with legal requirements, ensures information is anonymized, maintains the quality of hires, serves as a training tool for new panel members, requires training for Personnel Security Specialists, and aims to support a transparent and effective process that results in the selection of qualified individuals who meet DEA standards.

DEA provided to OIG under separate cover its Hiring SOP as documentation of completed efforts to establish written policies and procedures detailing internal controls and processes to ensure continuing compliance with DEA's policy and requested closure of this recommendation.

Recommendation 2. Implement controls to ensure that the documents used to inform hiring panels are accurate, appropriately anonymized, and properly reviewed.

DEA Response

DEA concurs with this recommendation. See response to recommendation 1.

Recommendation 3. Implement controls and provide training to ISS Personnel Security Specialists to ensure polygraph Reports of Investigation are being appropriately reviewed.

DEA Response

DEA concurs with this recommendation. See response to recommendation 1.

Recommendation 4. Establish procedures for identifying and mitigating the risks associated with granting SCI access to individuals who failed a pre-employment polygraph exam.

DEA Response

DEA concurs with this recommendation. DEA's Inspection Division, Office of Security Programs (IS) has established policies in accordance with Security Executive Agent Directive 6 (SEAD 6), that identify and mitigates risks associated with granting SCI access for employees who failed a pre-employment polygraph exam through the Office of the Director of National Intelligence and the Office of Personnel Management Trusted Workforce 2.0 mandate. Through this mandate, DEA personnel, whether applying for SCI, or not, are enrolled in a "Continuous Vetting" process that involves regularly reviewing a cleared individual's background through criminal, terrorism, and financial databases, as well as public records, at any time during an individual's period of eligibility in real-time to ensure they continue to meet security clearance requirements.

DEA's established efforts allow for the mitigation of risks for granting SCI access to employees who have not successfully completed a pre-employment polygraph exam. SEAD 6 was provided to OIG under separate cover for closure of this recommendation.

Recommendation 5. Establish a time requirement for and implement controls to ensure that the polygraph Report of Investigation is entered into JSTARS, according to DEA policy.

DEA Response

DEA concurs with this recommendation and is currently updating IS policies to include an established time requirement to ensure timely entry of information into JSTARS is accomplished according to DEA policy. Once the policy update is complete, DEA will provide OIG with documentation for closure of this recommendation.

Recommendation 6. Complete its record retention policy review, to include establishing appropriate and consistent record retention policies for the maintenance of all polygraph casefiles.

DEA Response

DEA concurs with this recommendation. DEA will continue to review its record retention schedules as they relate to polygraph records to determine whether changes to the retention periods are necessary to meet agency business needs and legal requirements under 36 CFR Subchapter B Part 1225.12 and 1225.16. Once complete, DEA will provide OIG documentation for closure of this recommendation.

Recommendation 7. Ensure that contractors who hold a security clearance and have not successfully completed the pre-employment polygraph examination are removed from DEA contracts, in accordance with DEA policy.

DEA Response

DEA concurs with this recommendation. DEA previously updated its Polygraph Screening Policy and the Financial and Acquisition Management Policy Manual to ensure contractors who have not successfully completed the pre-employment polygraph examination are removed from DEA contracts in accordance with DEA policy. DEA also added a report field in the Polygraph Enterprise System to identify an applicant as a Task Force Officer, Contractor, or DEA-Other so that if the applicant does not successfully complete the pre-employment polygraph examination, the applicant will then proceed through the removal procedures in accordance with DEA policy.

DEA completed efforts to ensure contractors who did not successfully complete the pre-employment polygraph examination were removed from DEA contracts in accordance with DEA policy and provided the documentation to OIG under separate cover for closure of this recommendation.

Recommendation 8. Formally implement its newly established procedures to prevent foreign officials who do not successfully complete the foreign screening polygraph exam from being

admitted to DEA-sponsored vetted units and ensure foreign officials receive timely foreign screening polygraph exams as required by DEA policy.

DEA Response

DEA concurs with this recommendation. DEA policy regarding the Foreign Operations, DEA Sensitive Investigative Unit and Vetted Unit Program has been updated to incorporate policies and procedures to prevent foreign counterparts who do not successfully complete the foreign screening polygraph exam from being admitted to DEA-mentored vetted units and ensures the counterparts receive timely polygraph exams as required by policy. The updated policy was provided to DEA personnel in an agency-wide broadcast message.

DEA has completed efforts to formally implement procedures to prevent foreign counterparts who do not successfully complete the foreign screening polygraph exam, from being admitted to DEA-mentored vetted units in accordance with DEA policy and provided this information to OIG under separate cover for closure of this recommendation.

Recommendation 9. Complete its review of SIUNet records to ensure that inaccurate and duplicate data is removed and/or corrected.

DEA Response

DEA concurs with this recommendation and will work with the SIUNet developers on programming upgrades to ensure that inaccurate and duplicate data is removed and/or corrected. Once complete, DEA will provide documentation to OIG for closure of this recommendation.

Recommendation 10. Review the supervisory reporting structure for Polygraph Examiners to ensure examiners can independently carry out the duties and functions of the position.

DEA Response

DEA concurs with this recommendation. DEA/IS will review its supervisory reporting structure for Polygraph Examiners to ensure examiners can independently carry out the duties and functions of the position and determine if changes to the structure are necessary. Once complete, DEA will provide OIG support documentation for closure of the recommendation.

Recommendation 11. Review its rehire policies and procedures to ensure that the DEA has clear and consistent practices when rehiring former employees for its four core series positions.

DEA Response

DEA concurs with the recommendation. DEA is currently reviewing its rehire policies and procedures for former core series employees. A comprehensive policy will be developed to ensure that consistent rehiring practices for the core series positions are made. Once complete, DEA will provide OIG documentation of the policy for closure of the recommendation.

Recommendation 12. Implement controls to ensure that the polygraph Report of Investigation is being prepared accurately and properly reviewed by the Polygraph Unit.

DEA Response

DEA concurs with this recommendation and has addressed the OIG's concern through the implementation of internal controls within the Polygraph Enterprise System (PES) and the implementation of Quality Control review procedures.

DEA has completed efforts to implement controls to ensure that the polygraph Report of Investigation is prepared accurately and properly reviewed in accordance with established procedures and provided the documentation to OIG under separate cover for closure of this recommendation.

If you have any questions or concerns regarding DEA's response, please contact Janice Swygert, Program Manager, External Audit Liaison Section, at (571) 776-3119.

APPENDIX 3: Office of the Inspector General Analysis and Summary of Action Necessary to Close the Audit Report

The Office of the Inspector General (OIG) provided a draft of this audit report to the Drug Enforcement Administration (DEA). The DEA's response is incorporated in Appendix 2 of this final report. In response to our audit report, the DEA concurred with each of our recommendations and discussed actions already taken, as well as additional planned measures to address each of our findings. As a result, the status of the audit report is resolved. The following provides the OIG analysis of the response and a summary of actions necessary to close the report.

Recommendations for the DEA:

- 1. Establish written policies and procedures for the Special Agent Hiring panel to include defined roles and responsibilities for individuals serving on the panel and overseeing the panel.**

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that its Human Resource Division and Inspection Division began developing a Hiring Review Process Standard Operating Procedure (SOP) to establish a consistent and fair process for evaluating applicants for positions within DEA. The DEA stated that its SOP includes written policies and procedures for hiring, outlines the roles and responsibilities of panel members and reviewers, ensures compliance with legal requirements, ensures information is anonymized, maintains the quality of hires, serves as a training tool for new panel members, requires training for Personnel Security Specialists, and aims to support a transparent and effective process that results in the selection of qualified individuals who meet DEA standards.

The DEA provided a copy of its SOP as evidence of completed efforts to address this recommendation. The SOP was signed by the Assistant Administrator and distributed to DEA personnel on September 5, 2024. We reviewed the SOP and noted that it does not address how the DEA will ensure that its hiring panel members are free from conflicts of interest when operating on DEA hiring panels. We will continue to analyze this SOP with respect to the risks we identified in our audit and coordinate with DEA in our follow-up process.

This recommendation can be closed when the DEA provides evidence that its newly established SOP has addressed each of the risks identified in this audit report, to include procedures for ensuring hiring panel members are free from conflicts of interests.

- 2. Implement controls to ensure that the documents used to inform hiring panels are accurate, appropriately anonymized, and properly reviewed.**

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that its Human Resource Division and Inspection Division began developing a Hiring Review Process Standard Operating Procedure (SOP) to establish a consistent and fair process for evaluating applicants for positions within DEA.

The DEA provided a copy of its Hiring Review Process SOP as evidence of completed efforts to establish written policies and procedures detailing internal controls and processes to ensure

compliance with the DEA's policy. The SOP was signed by the Assistant Administrator and distributed to DEA personnel on September 5, 2024. We reviewed the SOP and noted that it does not discuss how hiring information will be anonymized during the Special Agent Hiring Panel's review. We will continue to analyze this SOP with respect to the risks we identified in our audit and coordinate with DEA in our follow-up process.

This recommendation can be closed when the DEA provides evidence that its newly established SOP includes controls to ensure that the documents used to inform hiring panels are accurate, appropriately anonymized, and properly reviewed.

3. Implement controls and provide training to ISS Personnel Security Specialists to ensure polygraph Reports of Investigation are being appropriately reviewed.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that its Human Resource Division and Inspection Division began developing a Hiring Review Process Standard Operating Procedure (SOP) to establish a consistent and fair process for evaluating applicants for positions within DEA.

The DEA provided a copy of its Hiring Review Process SOP as documentation of completed efforts to establish written policies and procedures detailing internal controls and processes to ensure compliance with the DEA's policy. The SOP was signed by the Assistant Administrator and distributed to DEA personnel on September 5, 2024. We noted that the DEA did not provide evidence that training has been provided to ISS Personnel Security Specialists. The DEA also did not provide a schedule or plan to ensure periodic training is provided to ISS Personnel Security Specialists.

This recommendation can be closed once we have determined that the DEA has implemented controls and provided training to ISS Personnel Security Specialists to ensure polygraph Reports of Investigation are being appropriately reviewed.

4. Establish procedures for identifying and mitigating the risks associated with granting SCI access to individuals who failed a pre-employment polygraph exam.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that the Inspection Division, Office of Security Programs has established policies in accordance with the Security Executive Agent Directive 6 (SEAD 6), that identify and mitigate risk associated with granting SCI access for employees who failed a pre-employment polygraph exam through the Office of the Director of National Intelligence and the Office of Personnel Management Trusted Workforce 2.0 mandate. The DEA stated that, through this mandate, DEA personnel, whether applying for SCI, or not, are enrolled in a "Continuous Vetting" process that involves regularly reviewing a cleared individual's background through criminal, terrorism, and financial databases, as well as public records, to ensure they continue to meet security clearance requirements. The DEA provided us a copy of SEAD 6, however it did not provide us a copy of the policies it established in accordance with SEAD 6 that mitigate the risks associated with granting SCI access to individuals who have not successfully completed a pre-employment polygraph examination.

Therefore, this recommendation can be closed when we have received evidence that the DEA has established procedures for identifying and mitigating the risks associated with granting SCI access to individuals who failed a pre-employment polygraph exam.

5. Establish a time requirement for and implement controls to ensure that the polygraph Report of Investigation is entered into JSTARS, according to DEA policy.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it is currently updating its policies and procedures to include an established time requirement to ensure timely entry of information into the Department's Justice Security Tracking and Adjudication Records System (JSTARS) is accomplished according to DEA policy. The DEA stated it will provide the OIG its updated policy once complete.

This recommendation can be closed when we receive evidence that the DEA has implemented controls, to include a time requirement, to ensure that the polygraph Report of Investigation is entered into JSTARS, according to DEA policy.

6. Complete its record retention policy review, to include establishing appropriate and consistent record retention policies for the maintenance of all polygraph casefiles.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it is reviewing its record retention schedules as they relate to polygraph records to determine whether changes to the retention periods are necessary to meet agency business needs and legal requirements under 36 Code of Federal Regulations Subchapter B § 1225.12 and § 1225.16. The DEA will provide the OIG its updated policy once complete.

This recommendation can be closed when we receive evidence that the DEA has completed its record retention policy review, to include establishing appropriate and consistent record retention policies for the maintenance of all polygraph casefiles.

7. Ensure that contractors who hold a security clearance and have not successfully completed the pre-employment polygraph examination are removed from DEA contracts, in accordance with DEA policy.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it has updated its Polygraph Screening Policy and the Financial and Acquisition Management Policy Manual to ensure contractors who have not successfully completed the pre-employment polygraph exam are removed from DEA contracts in accordance with DEA policy. The DEA stated that it has also added a report field in its polygraph database to identify an applicant as a Task Force Officer, Contractor, or DEA-other so that if the applicant does not successfully complete the pre-employment polygraph exam, the applicant will be properly identified and then proceed through the removal procedures in accordance with DEA policy.

Also in its response, the DEA stated that it has completed its efforts to ensure contractors who did not successfully complete the pre-employment polygraph exam were removed from DEA contracts in accordance with DEA policy. The DEA provided a spreadsheet summarizing its efforts to mitigate the risks associated with each of the 24 contractors who failed the pre-employment polygraph

exam. However, we were unable to determine the basis upon which the retention of the contractors who failed the polygraph were made by the DEA's Review Board and Deputy Administrator.

This recommendation can be closed when the DEA has provided evidence that it has taken steps to mitigate the risks associated with the remaining contractors who did not successfully complete the pre-employment polygraph exam.

8. Formally implement its newly established procedures to prevent foreign officials who do not successfully complete the foreign screening polygraph exam from being admitted to DEA-sponsored vetted units and ensure foreign officials receive timely foreign screening polygraph exams as required by DEA policy.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it has updated its Foreign Operations, DEA Sensitive Investigative Unit (SIU) and Vetted Unit (VU) Program policy to prevent foreign counterparts who do not successfully complete the foreign screening polygraph exam from being admitted to DEA vetted units and ensure foreign counterparts receive timely polygraph exams as required by DEA policy. On August 15, 2024, the updated policy was provided to DEA personnel in an agency-wide broadcast message. However, DEA did not memorialize its newly established processes, which were distributed through email during the course of our audit, into DEA's foreign program policy to ensure consistent adherence in the future.

This recommendation can be closed once the DEA has provided evidence that its newly established processes have been formalized into its foreign program policy.

9. Complete its review of SIUNet records to ensure that inaccurate and duplicate data is removed and/or corrected.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it will work with the SIUNet developers on programming upgrades to ensure that inaccurate and duplicate data is removed and/or corrected. Once complete, the DEA will provide the OIG an update and documentation of its efforts for closure of the recommendation.

This recommendation can be closed when we receive evidence that the DEA has completed its review of SIUNet records to ensure that inaccurate and duplicate data is removed and/or corrected.

10. Review the supervisory reporting structure for Polygraph Examiners to ensure examiners can independently carry out the duties and functions of the position.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it will review its supervisory reporting structure for Polygraph Examiners to ensure examiners can independently carry out the duties and functions of the position and determine if changes to the structure are necessary. Once completed, the DEA will provide the OIG an update and documentation of its efforts for closure of the recommendation.

This recommendation can be closed when we receive evidence that the DEA has reviewed the supervisory reporting structure for Polygraph Examiners to ensure examiners can independently carry out the duties and functions of the position.

11. Review its rehire policies and procedures to ensure that the DEA has clear and consistent practices when rehiring former employees for its four core series positions.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it is currently reviewing its rehire policies and procedures for former core series employees. The DEA stated that a comprehensive policy will be developed to ensure that consistent rehiring practices for the core series positions are made. Once complete, the DEA will provide the OIG an update and documentation of its efforts for closure of the recommendation.

This recommendation can be closed when the DEA provides evidence that it has reviewed its rehire policies and procedures to ensure that the DEA has clear and consistent practices when rehiring former employees for its four core series positions.

12. Implement controls to ensure that the polygraph Report of Investigation is being prepared accurately and properly reviewed by the Polygraph Unit.

Resolved. In its response, the DEA concurred with our recommendation. The DEA stated that it has addressed the OIG's concerns through the implementation of internal controls within the polygraph database and the implementation of quality control review procedures. Specifically, the DEA provided a summary list of the steps it has taken to improve the quality control review procedures within the Polygraph Unit. First, in part due to the significant issues identified in our Management Advisory Memorandum, the Polygraph Unit was moved to the Office of Security Programs (IS), to better align with IS's mission to lead, deliver, and enhance processes for the safety and security of DEA personnel and assets, both foreign and domestic. Secondly, the DEA provided its updated Polygraph Screening Policy and attached appendices, which included: (1) clarified procedures for seeking second opinions for "Countermeasures" polygraph results; (2) a clarified process for notifying OPR of a reportable admission obtained during the polygraph exam that may require referral to an outside law enforcement agency; (3) policy and procedures for the handling of potential conflicts of interest when conducting polygraph examinations; (4) a clarified comprehensive examination review process for handling allegations of misconduct or other unprofessional behavior by Polygraph Examiners; and (5) a mandatory reporting requirement and procedures to notify appropriate officials when admissions of gross violations of human rights are obtained during a DEA-conducted polygraph exam. These improvements address some of the risks that our report disclosed.

However, as stated in our report, we found that the DEA's quality control review process did not catch an incorrect polygraph result listed on the polygraph Report of Investigation. As a result, an applicant was hired even though they did not successfully complete the exam and were ineligible to be hired based on DEA policy. As noted in our report, the DEA stated that the Polygraph Unit is creating a data validation process to ensure human errors are caught and corrected. However, the documentation that DEA provided with its response did not include evidence of the internal controls, implemented within the polygraph database, to prevent such an error from occurring again.

This recommendation can be closed when the DEA provides evidence that it has implemented controls to ensure that the polygraph Report of Investigation is being prepared accurately and properly reviewed by the Polygraph Unit.