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### **CIA POLYGRAPH PROGRAM**

Polygraph testing has played a crucial role in the Central Intelligence Agency's security program for the past 34 years. The CIA's experience with polygraph involves over 128,000 cases and close to a million separate polygraph charts. During this time, we have developed incontrovertible evidence of the value of this vital procedure.

CIA's use of the polygraph began on an experimental basis in August 1948 and results were dramatic from the very beginning. The biggest CIA research program was conducted from 1964 to 1967, after the Moss Committee hearings had urged an indepth review of the reliability and validity of our polygraph procedures. It was found that agreement of examiners on the significance of polygraph tracings was as good or better than that found among cardiologists reading EKG charts or among psychologists interpreting Minnesota Multiphasic Personality Inventory Test protocols. Among the conclusions in a 1967 summary report on this polygraph research were the following:

- The polygraph interview is a very effective component of the Agency security screening program.
- The polygraph interview has a high level of reliability.

- ° The level of polygraph effectiveness reliability justifies Agency reliance on the polygraph.

- ° The data indicate that the polygraph interview is a valid procedure.

The CIA polygraph program is closely controlled and managed by the Agency's Office of Security, following guidelines established by the Director of Central Intelligence. A strict quality control program is designed to ensure that the highest technical standards are met by all examiners. The value of the polygraph, indeed its indispensability, is clearly reflected in the fact that about 80 percent of the security disapproval decisions taken by the CIA's Director of Security are based on information developed during the polygraph examination.

The security disapproval statistics are viewed as clear indicators as to the program's utility, and the percentage consistently increases over time, with recent figures being around 90 percent. Substantially all of these 90 percent would have been cleared for employment in the absence of a polygraph program; only the remaining 10 percent were detected as unsuitable by other means. During the 11-year period from 1972 to 1982, approximately 2,800 security risks would have been employed were it not for technical testing. The following figures are deemed significant:

<u>Year</u>	<u>Percent Disapproved Based on Polygraph Data</u>
1972	64
1973	69
1974	76
1975	72
1976	74
1977	78
1978	89
1979	82
1980	93
1981	91
1982	82

From 1 October 1978 to 31 January 1979, a study was conducted by the working group of the Director of Central Intelligence Security Committee in which the effectiveness of sources of information developing adverse security information was compared. Among the sources compared were polygraph, National Agency Check, credit organizations, listed and developed references, education and employment records and interviews, and residence and police checks. Polygraph as a source was responsible for 46.3 percent of the adverse information obtained. The next largest source of information was the interview of developed references, which accounted for 7.9 percent of the information.

The House Permanent Select Committee on Intelligence completed a detailed study on security clearance procedures in the Intelligence Agencies in September 1979, at which time there was a full review of the CIA's polygraph program. The staff report concluded that the CIA's "security clearance procedures appear to be the most comprehensive and stringent in the Intelligence Community."

Our polygraph program reflects an impressive record of achievement in the identification of individuals whose employment or affiliation would, by any reasonable standard, jeopardize the security of the Agency and its operations. With full appreciation that the polygraph is not infallible and cannot be regarded as a panacea, the evidence is overwhelming that a polygraph program featuring well-trained, professional polygraphers conversant with the state-of-the-art in their field is of tremendous value in the CIA personnel security arena.

CIA POLYGRAPH POLICIES, PROCEDURES, AND STANDARDS

I. Authority

a. General. The polygraph has been utilized by the CIA for over 30 years. Historically, the authority to use the polygraph derives from the National Security Act of 1947, Section 102 (d)(3). The Director of Central Intelligence (DCI) is responsible by law and Executive Order to protect intelligence sources and methods from unauthorized disclosure. Attendant to this responsibility, the DCI has authorized the Office of Security to conduct a polygraph program.

b. Competitive Service Personnel. Pursuant to the general authority of the Director of Security to conduct the polygraph program of the Agency and in accordance with the provisions of Appendix D, Chapter 736, Federal Personnel Manual, the Director of Security is authorized to use polygraph examinations for competitive service applicants and employees who are assigned or detailed to the Agency and placed in staff positions or who have staff-like access to Agency facilities or information. These persons include, but are not limited to:

(1) General Service Administration maintenance and char force personnel and Federal Protective Service officers assigned to work at Agency facilities.

(2) A limited number of Defense Intelligence Agency competitive service employees who work in joint Central Intelligence-Defense Intelligence Agency endeavors.

(3) Certain competitive career employees assigned to ad hoc panels, study groups, and task forces.

The Director of Security shall annually determine the necessity of the testing of Competitive Service Personnel. If it is determined that these procedures are necessary to the fulfillment of the Agency's intelligence or counterintelligence missions, a certification to the effect will be sent to the General Counsel on or before March 30 of each year. The General Counsel will, upon receipt of the foregoing certification, request necessary authorization from the Director, Office of Personnel Management, as required by Appendix D, Chapter 736, Federal Personnel Manual.

## II. Purpose and Scope

The purpose for which the polygraph is used within the CIA is limited. By direction of the DCI, the polygraph is used in the Agency as an aid to investigations to determine the security eligibility of all persons employed by, assigned to, or detailed to the Agency in a staff capacity or whose Agency affiliation will give them staff-like access to Agency facilities, operations or information, as well as applicants or candidates for such positions or affiliation. Thus, all individuals are subject to the requirement of being polygraphed. Further, the polygraph is used in operational situations, in connection with periodic reinvestigations, and in specific instances wherein a clarifying security interview is required to revalidate continued access to classified information.

## III. Specific Exclusions

It is CIA policy not to utilize the polygraph on any person:

- a. with a serious and diagnosed cardiac problem;
- b. with a physical deformity if such a condition would cause testing to be painful or harmful;
- c. known to be experiencing a serious psychological or emotional problem (in such instances testing will be deferred);
- d. who is pregnant unless such a woman presents a note from her own doctor authorizing polygraph testing;
- e. prior to his or her 18th birthday;
- f. for the purpose of resolving allegations or suspicion of administrative irregularities of a routine nature;
- g. who does not willingly submit to testing.

## IV. Polygraph Question Coverage

Polygraph questions to be used in testing persons for employment or assignment to the Agency, including staff-like access to Agency installations, will be limited to those questions necessary to resolve security issues. Periodically, the

questions used in the various types of Agency polygraph tests are submitted to the DCI for review and approval.

V. Specific Issue Polygraph

In instances where there are implications of a security nature or where investigative information requires clarifying security interviews, a specific issue polygraph examination may be conducted, but only with the approval of the Director of Security. Questions essential to resolving the security issues involved will be defined by the Director of Security. When information is developed bearing on the security matter of concern, the examiner will continue questioning to the point which permits clear understanding of admissions or explanations. Sufficient detail will be obtained during the interview to allow the examiner to prepare an accurate synopsis for use by the adjudicative offices.

VI. Case Adjudication

The role of the polygraph examiner in CIA is strictly limited to gathering information pertaining to security issues covered by the approved questions. The examiner has no role in the adjudicative process. Polygraph examiners questioned by testees regarding standards for employment or security standards will respond by a referral to officials who are charged with the responsibility.

VII. Pre-Interview Requirements

No polygraph examination shall be conducted unless the individual voluntarily consents in writing to the test after being advised that:

- a. He is entitled to timely notification of the date and time of examination and of the place where it will be conducted.
- b. He is privileged against self-incrimination in accordance with the Fifth Amendment to the Constitution.



- c. He has the right to obtain and consult with legal counsel of his own choice prior to the polygraph examination.
- d. He may not work at CIA without undergoing a full background investigation and consenting to a polygraph examination. However, information concerning a refusal to submit to a polygraph examination shall not be recorded in his personnel file and shall be protected against unauthorized disclosure.
- e. He shall be informed of the characteristics and nature of the polygraph instrument and examination, including an explanation of the physical operation of the instrument, the procedures to be followed during the examination, the general areas of all questions to be asked during the examination, and that any information developed will be protected as specified in Section X below.

### III. Interview Rules

- a. An explanation of the nature of the examination shall be given to the examinee prior to testing.
- b. Before the beginning of each test, the examiner shall review with the examinee all questions to be asked during the test.
- c. Questions asked must have a special relevance to the subject of the particular inquiry.

### IX. Supervision and Review

- a. Polygraph examinations shall be conducted only by personnel certified as polygraph examiners in accordance with Section XII below. Polygraph examiner trainees serving their internship and other examiners who have not yet completed a required refresher period of internship shall conduct polygraph examinations only under the direct supervision of a polygraph examiner certified in accordance with the provisions as specified in this document.

- b. The conduct of each individual polygraph examination shall be carefully supervised by the individual exercising technical supervision over the polygraph examiner concerned.
- c. Determination that more investigation is needed where a polygraph examination has been undertaken shall not be made by the polygraph examiner but rather by a monitoring supervisor.

X. Records and Administration

- a. Storage and Retention. The Director of Security or his designee shall control and determine the location for the storage and retention of polygraph examination reports.
  - (1) Polygraph examination reports shall be filed separately from all other files.
  - (2) If a duplicate polygraph report is made such nonrecord copies shall be destroyed within three months after completion of the case.
- b. Dissemination Controls. Information obtained in the course of a polygraph examination shall be strictly controlled.
  - (1) Polygraph examination reports shall be available within the Office of Security on a strict need to know basis only to those officials charged with responsibility for determining whether a security clearance may be issued.
  - (2) The Director of Security shall release polygraph-acquired information outside the Agency only after he has made a recommendation, which is approved by the Director or Deputy Director of Central Intelligence, that such a release is necessary in the interest of national security.

- (3) The Agency is required by 28 U.S.C. 535 to report to the Attorney General any information, allegation or complaint relating to violations of Title 18 of the criminal code involving government officers and employees. This obligation is reiterated in Executive Order 12333, which also mandates reporting of information regarding certain Federal offenses committed by nonemployees. Specific guidelines are detailed in Headquarters Regulations.
- (4) In certain circumstances, information may also be released to either House of Congress, or pursuant to the order of a court of competent jurisdiction.

XI. Polygraph Instrument Maintenance

- a. Polygraphs. Equipment characterized by the Agency as "lie detecting" or "polygraph recording instruments" will measure and record, as a minimum, respiration, galvanic skin reflex, blood volume, and heart rate.
- b. Maintenance.
  - (1) Polygraph instruments shall be properly calibrated.
  - (2) Calibration techniques shall be established by the Polygraph Division and the Office of Security to assure proper and accurate operation of instruments.

XII. Selection, Training, and Supervision of Agency Polygraph Examiners

- a. Selection. Candidates selected for the position of polygraph examiner shall meet the following minimum requirements:
  - (1) United States citizenship.
  - (2) Graduation from an accredited four-year college (baccalaureate degree).

- (3) Successfully screened, on the basis of a background investigation and polygraph examination, as being a person of high moral character and sound emotional temperament.
- (4) Satisfactorily completed an Agency-approved course of instruction.

b. Training.

- (1) The Director of Security is responsible for establishing and managing training programs for Agency polygraph examiners.
- (2) These training programs shall be designated to assure that no person shall be certified as a qualified Agency polygraph examiner without having successfully completed an approved course and demonstrated an understanding of the appropriate application of the following:
  - (a) Methods of interrogation;
  - (b) The psychology of interrogation;
  - (c) Constitutional and other legal considerations;
  - (d) The physiology of detection of deception;
  - (e) The functioning of the polygraph, including its capabilities and limitations; and
  - (f) Agency regulations concerning use of the polygraph.
- (3) Training described in subparagraph (2) shall be conducted by qualified professional personnel.
- (4) Before being certified as a qualified Agency polygraph examiner by the Director of Security, each candidate shall serve a probationary period under certified examiners. Such probationary period shall be for a period of not less than six months nor more than one year following the basic polygraph examiner training course. During the probationary period the candidate shall be required to demonstrate proficiency in the use of the polygraph by conducting at least 50 polygraphic examinations under the supervision of a certified polygraph examiner.

- (5) Appropriate provision shall be made by the Director of Security to assure that polygraph examiners receive refresher training on a periodic basis.
- (6) Should examiners fail to satisfy current proficiency standards, certification shall be promptly suspended or revoked.
- (7) Certifications suspended for failure to meet minimum requirements may be reissued after suitable refresher training or after satisfactorily demonstrating an acceptable standard of proficiency, as determined by the Director of Security or his designee.

XIII. Refusal to Take a Polygraph Examination

If an individual required to take a polygraph examination refuses to take part in the examination, the interview will be terminated and a memorandum written documenting the refusal. The memorandum will reflect that the interviewee was advised that a polygraph examination is required as a condition for employment or affiliation, or of continued employment or affiliation.

GUIDELINES FOR THE IMPLEMENTATION OF THE CIA POLYGRAPH PROGRAM

I. Introduction

The Office of General Counsel has provided the following guidelines to polygraph examiners to clarify areas of concern and to answer typical questions.

II. Safeguards to the Subject

The test coverage specified in Phase I and Phase II is standardized in the applicant screening and reinvestigation cases. The coverage in specific issue polygraph cases must be approved in advance by the Director of Security.

As an additional precaution to insure compliance with polygraph policy, each polygraph interview is subject to monitoring by the Desk Supervisor, Deputy Chief or Chief of Polygraph Division. Further, the completed polygraph case must be reviewed and approved for release by the Desk Supervisor, Deputy Chief or Chief of the Polygraph Division prior to forwarding for adjudication.

III. Relevance of the Fifth Amendment to the Constitution of the United States to the CIA Polygraph Interview

The Fifth Amendment to the Constitution provides, in pertinent part, that no person shall be compelled in any criminal case to be a witness against himself. An individual being given a polygraph examination, therefore, may not be compelled to make statements which might tend to be incriminating and should be so advised. Should he choose to make such incriminatory statements, neither the Agency nor its employees will be liable if, in accordance with Executive Order No. 12333, such statements are forwarded to the Department of Justice.

IV. Invasion of Privacy

"Invasion of privacy" is a legal term of art. As such, it cannot be given absolute definition but must be defined on a case-by-case basis with respect to the particular circumstances of each case. In the context of the polygraph interview, questions directly relevant to a determination as to the suitability of an individual for receipt of classified information would not

be deemed invasion of privacy. On the other hand, questions asked for the private interest of the examiner or questions which had no direct bearing on suitability for employment could constitute unwarranted intrusions into a person's private life. Therefore, there must be some rational connection between the question and Agency security. Questions asked during the polygraph interview are limited to those necessary to resolve the security issues covered by Phase I and Phase II coverage. In the case of specific issue polygraphs, questions are limited to those approved by the Director of Security to resolve specific security issues.

V. Information Concerning U.S. Citizens Who Are Not Agency Connected

The Office of Security is authorized to conduct a polygraph program as an aid in gathering information to be used in security evaluations. The examiner's role in this program is to gather information which is provided to those who have the responsibility for making adjudications. The operator is not in a position to make a judgment concerning the significance of a particular item of information in terms of the overall evaluation of the case. Guidelines have been established outlining what information is required by the adjudicators and what information is the proper subject of polygraphic inquiry. Within these guidelines, the operator is obligated to report information in sufficient detail so that an informed judgment can be made by the adjudicators in any given case. It is proper for the polygraph examiner to report to the General Counsel on CIA or non-CIA persons who have been involved in some type of criminal activity. Information on U.S. persons who are not Agency connected and which information does not relate to national security or to criminal activity will be destroyed.

VI. Liability of the Examiner

A suit by a polygraph subject against a polygraph examiner for invasion of privacy or denial of employment would be unlikely to succeed. Applicants are informed that a polygraph examination, as well as a full background investigation, is a condition of employment. When the applicant, having been told this, decides to continue his efforts to obtain employment in a sensitive government position, he is generally in a weak position to assert that his privacy has been invaded because he has, in effect, waived his privacy. It is the opinion of the Office of General Counsel that a suit for denial of employment similarly would fail. First, the polygraph examiner does not determine whether or not an applicant should be employed. Second, as far as the discretionary act of determining whether or not an individual should be employed, it is a general principle of law that a public official, acting in his official capacity and in pursuit of official duties, is immune from suit for damages.