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Sent: Wednesday, April 16, 2008 12:31 PM
To: BASHAM, W RALPH; AHERN, JAYSON P
Cc: ANDERSON, DELORES A; BRODSKY, MARCY J
Subject: BPA Hiring and Integrity Issues
Attachments: Perfect Storm for CBP Integrity 4-16-08

Commissioner/Deputy,

The attached document addresses some issues we have discussed before. I intended to provide it to you during our meeting tomorrow. After speaking to the Deputy last night it occurred to me that you might want to see this today.

We have a dozen BI Investigators in an orientation class this week. Several of them just resigned from the companies doing our contract BI work. Some of their comments were alarming. They report that in late 06, they were given directions from their supervisors that were designed to shorten the time of their CBP BI cases. This was the time frame when all of these companies were in financial disincentive mode because they could not handle the quantity of BIs we were giving them. The companies have been giving instructions to the investigators that "no probative questions should be asked during their BI interviews" and not to ask questions that would generate additional leads. This list of directions continues...

This document was already being prepared. My conversation with them prompted me to provide it to you now.

Jim

- Fifteen months ago all of the 6 companies on contract with CBP to conduct background investigations were in a financial disincentive mode. They were unable to complete the BIs in the required time because they had insufficient staff to handle the increased numbers of CBP BI cases. After launching their own hiring initiatives, these companies can now accommodate the number of cases we give them. However, there are strong indications that these companies have hired inexperienced and unqualified persons to schedule, scope, and do BI cases; people that would not previously have been considered for employment. There is also confirmation that these contractors have mandated efficiencies to protect their financial bottom line. This has resulted in decreased accuracy and overall quality of the BI. This scenario has been confirmed by CBP-IA BI Investigators who were previously employed by these contractors.
Summary: These contractors gave us what we asked for. However, it appears that they met our demands for quantity and time requirements by substantially compromising the quality of their product.
- Increasing concerns as to the current status of CBP integrity have significantly increased the importance of Periodic Reinvestigations (PRI/"5 year updates") to detect corruption in our workforce. CBP-IA had planned to both enhance and pursue all PRIs in a timely manner. Instead, the number of overdue PRIs has risen drastically to over 14,500 (nearly 1/3 of our total workforce). The resources needed to work these cases have been diverted to the BPA hiring initiative. *Summary: While the integrity threat has increased, we have decreased one of our best means of detecting corruption in our workforce.*
- The expense of running concurrent applicant processes has resulted in increasingly dramatic costs. The costs of unnecessary BIs (the applicant failed some other part of the testing) will be nearly \$100 million dollars for the period of 8/1/06 – 12/31/08 (29 months). These IA funds could be directed toward effective integrity detection and investigation programs. We could fund an Investigative Operations Division of over 350 Special Agents for two years with the amount of money lost by this practice. *Summary: We are using large amounts of limited IA funding to speed up the hiring process. This is a business practice that will at some point be sharply criticized.*
- CBP along with our partners have significantly increased security at our nation's borders. We have been effective in our mission. Transnational criminal organizations are finding it far more difficult to smuggle contraband into our country. At the same time, Mexican law enforcement initiatives have had a significant impact on the operations of these drug trafficking organizations (DTOs). The end result has been a concerted

effort on the part of these criminals to place their co-conspirators in the law enforcement ranks of CBP. The placement of even one corrupt agent of a criminal organization within CBP compromises the safety of our agents and officers, as well as the mission. We have confirmed three instances where this has occurred. There very likely have been many more. *Summary: By defeating our personnel security procedures, criminal organizations are exploiting CBP hiring initiatives to the benefit of their criminal enterprise.*

- The expansion of the Border Patrol is both the largest and the most rapid expansion of any law enforcement agency in our nation's history. We have created the largest law enforcement agency in the country. We are operating in totally uncharted waters of personnel screening and security. The two previous large law enforcement agency expansions that approached the magnitude of this initiative (NYPD & Miami Dade) both resulted in personnel security failures. Both agencies experienced significant integrity and corruption problems as a direct result of their rapid expansion initiatives. *Summary: As we continue to strive for greater efficiency in the personnel security process we are very likely compromising the process in ways that are not yet detected.*
- A pre-employment polygraph examination is required by virtually every law enforcement agency in the U.S. The only federal agencies that do *not* use the pre-employment LE polygraph for all applicants are CBP and ICE. Every major city and state police agency require a polygraph. This has very likely resulted in a scenario where persons who know they would not qualify for a position elsewhere apply to CBP and/or ICE. *Summary: It is very likely that many of our applicants are applying here to avoid the polygraph.*