

Integrity in Border and Immigration Enforcement Act

The Integrity in Border and Immigration Enforcement Act would help prevent corruption and misconduct at the Department of Homeland Security (DHS) by strengthening the existing polygraph examination requirement at Customs and Border Protection (CBP) and establishing such a requirement at Immigration and Customs Enforcement (ICE). Specifically, the bill would: a) Require that all CBP and ICE applicants for law enforcement positions pass a law enforcement polygraph examination; and b) Require random and targeted post-hire polygraph testing for CBP and ICE law enforcement personnel.

DHS noted in a 2015 report on employee corruption investigations that ICE and CBP employees “are on the front lines, at risk of being corrupted by well-financed and ruthless criminal organizations.” In his January 25 executive orders, President Trump called for hiring 5,000 additional Border Patrol agents and 10,000 more ICE officers. Experts have raised concerns that this massive hiring surge could lead to a weakening in personnel standards and an increase in corruption and misconduct. In the previous decade, Border Patrol personnel doubled and CBP experienced a spike in internal corruption cases, which CBP concluded was largely due to the agency’s swift growth.

In response, Congress passed the Anti-Border Corruption Act of 2010 requiring all applicants for law enforcement positions at CBP to receive polygraph examinations before being hired. CBP applicants’ polygraph failure rate of approximately 65 percent greatly exceeds that of other federal law enforcement agencies. However, CBP has recently begun to deploy a shorter test which has been criticized by experts as lacking the effectiveness of the previous exam for law enforcement positions. Additionally, efforts are underway within CBP and in Congress to allow CBP to exempt entire categories of applicants from being subject to any polygraph requirement. The DHS Inspector General has said of this plan, “It could put CBP at significant risk.”

In 2016, the Homeland Security Advisory Council’s CBP Integrity Advisory Panel (co-chaired by former NYPD Police Commissioner Bill Bratton and former Bush Administration DEA Administrator Karen Tandy) found that CBP is vulnerable to internal corruption and that “corrupt CBP law enforcement personnel pose a national security threat.” The panel noted that “integrity could be enhanced further by periodic random and targeted polygraph examinations on a post-hire basis of CBP law enforcement personnel,” which agencies such as the FBI, DIA, CIA, and NSA already perform.

ICE has also encountered significant problems with employee corruption and misconduct, with dozens of ICE agents and contract guards having been arrested and charged over the past decade with beating people, smuggling drugs, having sex with detainees, and accepting bribes. The DHS Inspector General noted in 2016 that ICE has “inadequate systems to track and process applicants.” Yet unlike CBP and many other federal law-enforcement agencies (including the FBI, Secret Service, DEA, and ATF), ICE does not have a polygraph exam requirement for its law enforcement personnel.