



August 28, 2013

The Honorable Mary Landrieu
Chairman
The Honorable Dan Coats
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate

The Honorable John Carter
Chairman
The Honorable David Price
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
House of Representatives

Border Security: U.S. Customs and Border Protection Provides Integrity-Related Training to Its Officers and Agents throughout Their Careers

This letter formally transmits information we provided your offices on July 24, 2013, in response to a mandate in the House Committee Report (112-492) accompanying the Department of Homeland Security (DHS) Appropriations Act, 2013. This mandate required us to review U.S. Customs and Border Protection's (CBP) ethics, conduct, and integrity training programs. CBP, within DHS, is responsible for securing U.S. borders and facilitating legal travel and trade. CBP officers, within the Office of Field Operations (OFO), are responsible for securing the border at U.S. ports of entry, locations at which individuals and merchandise may seek legal entry into the United States. Border Patrol (BP) agents, within the Office of Border Patrol (OBP), are responsible for securing the national border between the ports of entry. The Office of Training and Development (OTD) designs, develops, and delivers CBP-wide training courses and establishes training standards and policies. CBP's Office of Chief Counsel is responsible for developing and providing annual ethics training for employees who submit public financial disclosure information as well as some ethics training for officers assigned overseas. CBP Internal Affairs (IA) is responsible for promoting the integrity of CBP's workforce, programs, and operations. DHS officials have stated that drug-trafficking organizations are attempting to infiltrate the CBP workforce through conspired hiring operations and aggressive targeting of incumbent CBP officers and BP agents. DHS officials have testified that CBP's increased hiring of officers and agents since fiscal year 2006 has increased the opportunities for attempted corruption of the CBP workforce through bribery, infiltration, or other means. In December 2012, we reported on CBP's efforts to ensure the integrity of its workforce. For the purposes of that report, integrity issues included acts of corruption such as accepting cash bribes and other gratuities in return for allowing contraband or inadmissible aliens into the country, as well as other criminal activities or misconduct such as drug or alcohol abuse.

We concluded that CBP had implemented integrity-related programs, but faced challenges in managing and overseeing these programs. In addition, we found that CBP had not completed an integrity strategy, as called for in its *Fiscal Year 2009-2014 Strategic Plan*. We recommended, among other things, that CBP set target timelines for completing and implementing a comprehensive integrity strategy to enhance CBP's efforts to mitigate the risk of corruption and misconduct among officers and agents. DHS concurred with this recommendation, and is taking steps to address it.

House Committee Report 112-492 mandated us to review CBP's ethics, conduct, and integrity training programs. This report examines the extent to which (1) CBP's training programs on ethics-, integrity-, and conduct-related issues are systematic and integrated, and standardized and regularized throughout an agent's or officer's career, and (2) CBP has developed a comprehensive integrity strategy that includes training. To conduct our work, we identified and analyzed mandatory and optional integrity-related course listings, as of June 2013, offered for CBP officers and BP agents throughout their careers. Additionally, we interviewed CBP officials responsible for managing training programs and efforts, as well as CBP officials responsible for developing CBP's comprehensive integrity strategy. We considered training to be systematic and integrated if the courses are offered to CBP officers and BP agents in succession at each stage of their careers; and standardized and regularized if the courses are provided to employees by the same method; if instructors are unable to modify or edit course content; and if courses are offered on a predetermined, regular schedule to CBP employees. We developed these definitions through our review of prior GAO reports on best practices for strategic training, as well as through interviews with officials from CBP's IA, OBP, OFO, and OTD—four offices with responsibility for CBP's integrity-related programs and training. We also discussed our definitions with these officials to ensure that they were reasonable interpretations. We did not evaluate the content or effectiveness of CBP's integrity-related training courses, nor did we determine the extent to which employees comply with training requirements, as doing so was not relevant to addressing our reporting objectives.

We conducted this performance audit from May 2013 to August 2013 in accordance with generally accepted government auditing standards. 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.

In summary, CBP's integrity-related training courses are systematic and integrated—that is, they are offered in succession and required at each stage of an employee's career, as well as standardized and regularized—that is, the same content is provided by the same method on a predetermined, regular schedule. For example, courses are required throughout a CBP officer's and BP agent's career at the basic and supervisory levels, as well as on an annual basis. In addition, courses are provided in two formal settings, either online or in a classroom, and course content is overseen by OTD to ensure that it is the same for all employees within respective stages of their careers. Last, courses are offered on a predetermined, regular schedule at the basic and supervisory levels, and on an annual basis. Additionally, OFO requires its officers to complete mandatory integrity-related courses at the 2-, 5-, and 10-year career points.

CBP has not yet finalized its comprehensive integrity strategy, as called for in its *Fiscal Year 2009-2014 Strategic Plan*. In response to the recommendation in our December 2012 report that CBP set target timelines for completing and implementing a comprehensive integrity strategy, CBP set a timeline for completing the strategy by May 2013. However, as of July 2013, CBP had not yet finalized the strategy. In early July 2013, CBP IA officials stated that integrity-related training is part of the draft strategy.

However, the strategy has not yet been finalized. We will continue to monitor CBP's efforts to complete and implement the strategy in following up on our December 2012 report recommendations.

For additional information on the results of our work, please see the briefing slides provided in the enclosure. We are not making any recommendations in this report.

Agency Comments

We provided a draft of this report to DHS for its review and comment. DHS provided technical comments, which we incorporated as appropriate.

- - - - -

We are sending copies of this report to the appropriate congressional committees and the Secretary of Homeland Security. This report is also available at no charge on the GAO website at <http://www.gao.gov>. Should you or your staff have questions concerning this report, please contact me at (202) 512-8777 or GamblerR@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report were Kathryn H. Bernet (Assistant Director), David Alexander, Molly Callaghan, Frances Cook, and David Greyer.



Rebecca Gambler
Director
Homeland Security and Justice

Enclosure



**Border Security: U.S. Customs and Border
Protection Provides Integrity-Related Training to
Its Officers and Agents throughout Their Careers**

**Briefing for Staff of the Subcommittees on Homeland
Security, Senate and House Committees on
Appropriations**



Briefing Overview

- Introduction
- Objectives
- Scope and Methodology
- Summary
- Background
- Findings
- GAO Contact



Introduction

- U.S. Customs and Border Protection (CBP)—a component of the Department of Homeland Security (DHS)—is responsible for securing U.S. borders and facilitating legal travel and trade.
- CBP officers are responsible for securing the border at U.S. ports of entry (or a location by which individuals and merchandise may seek legal entry into the United States). Border Patrol agents are responsible for securing the national border between the ports of entry.
- DHS officials have stated that drug-trafficking organizations are attempting to infiltrate the CBP workforce through conspired hiring operations and aggressive targeting of incumbent CBP officers and Border Patrol agents. DHS officials have testified that CBP's increased hiring of officers and agents since fiscal year 2006 has increased the opportunities for attempted corruption of the CBP workforce through bribery, infiltration, or other means.¹

¹See Statement of Charles K. Edwards, Acting Inspector General, Department of Homeland Security, before the Subcommittee on Government Organization, Efficiency, and Financial Management, Committee on Oversight and Government Reform, House of Representatives, Washington, D.C., Aug. 1, 2012, and Statement of Alan Bersin, Commissioner, U.S. Customs and Border Protection, before the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs, Senate Committee on Homeland Security and Governmental Affairs, Washington, D.C., June 9, 2011, Statement of James F. Tomsheck, Assistant Commissioner, Office of Internal Affairs, U.S. Customs and Border Protection, before the Ad Hoc Subcommittee on State, Local and Sector Preparedness and Integration, Committee on Homeland Security and Governmental Affairs, Senate, Washington, D.C., Mar. 11, 2010.



Introduction (cont'd.)

- In December 2012, we reported on CBP's efforts to ensure the integrity of its workforce.² For the purposes of that report, challenges to the integrity of CBP officers and Border Patrol agents included acts of corruption such as accepting cash bribes and other gratuities in return for allowing contraband or inadmissible aliens into the country, as well as other criminal activities or misconduct such as drug or alcohol abuse.
- We found that CBP employs integrity controls to mitigate the risk of employee corruption and misconduct for both applicants (e.g., background investigations and polygraph examinations) and incumbent CBP officers and Border Patrol agents (e.g., random drug tests and periodic reinvestigations). However, we found, among other things, that, with regard to applicants, CBP did not have a mechanism to maintain and track data on which of these controls provided the information used to determine which applicants were not suitable for hire. In addition, CBP had not developed a comprehensive integrity strategy to encompass all CBP components' initiatives.
- We made recommendations to address these and other issues, including that CBP set target timelines for completing and implementing a comprehensive integrity strategy. CBP generally concurred with our recommendations.

²GAO, *Border Security: Additional Actions Needed to Strengthen CBP Efforts to Mitigate Risk of Employee Corruption and Misconduct*, GAO-13-59 (Washington, D.C.: Dec. 4, 2012).



Objectives

- House Committee Report 112-492 accompanying the fiscal year 2013 DHS Appropriations Act mandated GAO to review CBP's ethics, conduct, and integrity training programs to ensure that they are: (1) standardized, systematic, integrated, and regularized as part of an officer's and agent's career; and (2) part of a formalized strategy for misconduct and corruption prevention.³
- This report examines the extent to which (1) CBP's training programs on ethics, integrity, and conduct-related issues are systematic and integrated, and standardized and regularized throughout an agent's or officer's career; and (2) CBP has developed a comprehensive integrity strategy that includes training.

³H.R. Rep. No. 112-492, at 39 (2012). See also Explanatory Statement, Consolidated and Further Continuing Appropriations Act, 2013, 159 Cong. Rec. S1287, S1550 (mandating GAO to report on CBP's integrity program, as required in the House report).



Scope and Methodology

- In this briefing, we consider training to be
 - **systematic and integrated** if the courses are offered to CBP officers and Border Patrol agents in succession at each stage of their careers; and
 - **standardized and regularized** if the courses are provided to employees by the same method; if instructors are unable to modify or edit course content; and, if courses are offered on a predetermined, regular schedule to CBP employees.
- We developed these definitions through our review of prior GAO reports⁴ on best practices for strategic training, as well as through interviews with officials from CBP's Office of Internal Affairs (IA), the Office of Border Patrol (OBP), the Office of Field Operations (OFO), and the Office of Training and Development (OTD)—four offices with responsibility for CBP's integrity-related programs and training. We also discussed our definitions with these officials to ensure that they were reasonable interpretations.

⁴GAO, *Federal Emergency Management Agency: Workforce Planning and Training Could Be Enhanced by Incorporating Strategic Management Principles*, GAO-12-487 (Washington, D.C.: Apr. 26, 2012); *Homeland Security: Information on Training New Border Patrol Agents*, GAO-07-540R (Washington, D.C.: Mar. 30, 2007); and GAO, *Human Capital: A Guide For Assessing Strategic Training and Development Efforts in the Federal Government*, GAO-04-546G (Washington, D.C.: March 2004).



Scope and Methodology (cont'd.)

- To address our objectives, we
 - identified and analyzed course descriptions on CBP's integrity-related training programs and efforts; for our purposes, this included courses and programs pertaining to integrity, ethics, conduct, and professionalism;
 - examined mandatory and optional integrity-related course listings, as of June 2013, offered for officers and agents during entry-level training at their basic academies, throughout their service, and for those in supervisory positions;
 - interviewed CBP officials responsible for managing training programs and efforts; and
 - interviewed CBP officials responsible for developing CBP's comprehensive integrity strategy.
- We did not evaluate the content or effectiveness of CBP's integrity-related training courses, nor did we determine the extent to which employees comply with training requirements as it was not relevant to addressing our reporting objectives.
 - We provided a draft of these slides to DHS to confirm their technical accuracy. CBP provided technical comments, which we incorporated into the slides as appropriate.



Summary

- CBP's integrity-related training programs are systematic and integrated—that is, they are offered in succession and required at each stage of an employee's career—as well as standardized and regularized—that is, the same content is provided by the same method on a predetermined, regular schedule. For example:
 - Courses are required throughout a CBP officer's and Border Patrol agent's career.
 - Courses are provided in two formal settings—online or in a classroom.
 - Course content is overseen by OTD and is the same for all employees within respective stages of their careers.
 - Courses are offered on a predetermined, regular schedule. For example, courses are required in basic training and within one year of promotion to a supervisory position. CBP officers and Border Patrol agents also have a required, annual integrity-related course. In addition, OFO requires integrity-related training at the 2-, 5-, and 10-year career points.
- CBP has set timelines for completing its comprehensive integrity strategy; however, CBP has not yet finalized the strategy. CBP IA officials stated that integrity-related training is part of the draft strategy. We will continue to monitor CBP's efforts to complete and implement the strategy in following up on our December 2012 report recommendations.



Background: CBP Components' Roles and Responsibilities Regarding Integrity Training

- OTD, OFO, and OBP share responsibility for ensuring that newly hired and incumbent CBP officers and Border Patrol agents are sufficiently trained.
 - OTD designs, develops, and delivers CBP-wide training courses and establishes training standards and policies.
 - OFO and OBP identify officer and agent training requirements and provide subject-matter experts to assist in the development and instruction of some training courses, and review training that is developed.
- The Office of Chief Counsel is responsible for developing and providing annual ethics training to employees who submit public financial disclosure information, as well as some ethics training for officers assigned overseas.
- CBP IA is responsible for promoting the integrity of CBP's workforce, programs, and operations.



Background: GAO's December 2012 Report on CBP's Integrity Programs

- In December 2012, we found that CBP had implemented integrity-related programs, but faced challenges in managing and overseeing these programs. More specifically:
 - We found that CBP had not completed an integrity strategy, as called for in its *Fiscal Year 2009-2014 Strategic Plan*. During the course of our prior review, CBP IA began drafting a strategy, but CBP IA's Assistant Commissioner stated there had been significant cultural resistance among some CBP components in acknowledging CBP IA's authority for overseeing all integrity-related activities.
 - We recommended that CBP set target timelines for completing and implementing a comprehensive integrity strategy in order to enhance CBP's efforts to mitigate the risk of corruption and misconduct among officers and agents. DHS concurred with this recommendation.



Background: GAO's December 2012 Report on CBP's Integrity Programs (cont'd.)

- We also found that
 - CBP IA does not have a mechanism to track and maintain data on which of its screening tools (background investigation or polygraph examination) provided the information CBP used to determine that applicants were not suitable for hire;
 - CBP IA officials stated that they were considering implementing a polygraph requirement for incumbent employees, but that CBP had not yet assessed the feasibility of expanding the program beyond applicants; and
 - CBP established a quality assurance program in 2008 to review, on a monthly basis, no more than 5 percent of all completed investigations to ensure the quality and timeliness of the investigations and to identify any deficiencies in the investigation process. As of September 2012, CBP officials stated that they had not consistently completed the monthly checks because they had prioritized resources to screen applicants to meet hiring goals.
- We recommended that CBP, among other things, track and maintain data on sources of information used to determine which applicants are unsuitable for hire, assess the feasibility of expanding the polygraph program to incumbent officers and agents, and consistently conduct quality assurance reviews. DHS concurred and reported taking steps to address these recommendations, including preparing a plan of action for developing a comprehensive integrity strategy.



Objective 1: CBP's Integrity-Related Training Courses Are Systematic and Integrated

- CBP's integrity-related training courses are systematic and integrated because they are provided in succession throughout an officer's and agent's career at the basic and supervisory levels, as well as on an annual basis.
- **Basic Courses:** All newly hired CBP officers and Border Patrol agents are required to complete a basic training program, which includes integrity-related training.
 - Mandatory Training Courses:
 - New CBP officers are required to complete OFO's Basic Academy, which includes courses on consequences of corrupt behavior, bribery, smuggling, DHS/CBP Standards of Conduct, and professionalism.
 - New Border Patrol agents are required to complete OBP's Basic Academy, which includes courses on agent integrity, CBP's Standards of Conduct, Code of Ethics, the importance of an agent's oath, integrity when reporting and giving testimony, bribery, corruption, consequences of misconduct, and misconduct reporting requirements.



Objective 1: CBP's Integrity-Related Training Courses Are Systematic and Integrated (cont'd.)

- **Supervisory Courses:** All new supervisors are required to complete the Supervisory Leadership Training (SLT) within 1 year of promotion. Supervisors may also take additional optional courses. Examples of courses include the following:
 - Mandatory Training Courses:
 - SLT course topics include: identifying and removing personnel who have been corrupted, honesty in leadership, warning signs of corruption, monitoring subordinates, and resisting corruption.
 - Optional Training Courses:
 - Optional training courses include: Business Ethics for Managers; Ethics, Integrity, and Trust; Supervisory Leadership Seminar on Integrity; and Incumbent Supervisor Training.
- **Annual Courses:** CBP officers and Border Patrol agents are also required to complete an annual integrity-related course.
 - Officers and agents complete a 1-hour mandatory online course on integrity and professionalism.
 - In addition, OFO provides a 2-hour mandatory classroom course reinforcing professionalism.



Objective 1: CBP's Integrity-Related Training Courses Are Systematic and Integrated (cont'd.)

- **Additional Courses:** OFO requires officers to complete an integrity-related course at three different career points, and officers and agents are given the opportunity to take additional, optional courses. Examples of courses include the following:
 - Mandatory OFO Training Course:
 - 1-hour classroom course focused on integrity-related challenges at the 2-, 5-, and 10-year career points.
 - Optional OFO and OBP Training Courses:
 - Optional training courses include: Integrity in the Workplace, Government Ethics, Ethics and Risks, Making Decisions Ethically, Understanding Organizational Ethics, and Workplace Ethics.
 - OBP offers a 1-hour classroom course on anticorruption, which helps officers to define, identify, and report corruption.
 - OFO offers a 2-hour classroom course entitled "Commitment to Service," which covers topics relating to ethics, integrity, and CBP standards of conduct.



Objective 1: CBP's Integrity-Related Training Courses Are Standardized and Regularized

- CBP's integrity-related training courses are standardized and regularized because the same content is to be provided by the same method on a predetermined, regular schedule.
 - Mandatory and optional courses are to be provided in the same way to all CBP officers and Border Patrol agents, either online or in the classroom.
 - All employees are to be taught the same course content for mandatory and optional trainings. According to OTD officials, courses cannot be modified by any component or instructor. Any course revision is overseen by OTD.
 - Courses are offered on a predetermined, regular schedule:
 - CBP officers and Border Patrol agents are to complete their component's Basic Academy as soon as they are hired.
 - Officers complete mandatory trainings at the 2-, 5-, and 10-year career points.
 - New supervisors are to complete mandatory trainings within 1 year of promotion.



Objective 1: CBP Also Supplements Its Formal Training Programs with Other Integrity-Related Initiatives

- CBP offers briefings and practical exercises to complement formal trainings, including the following:
 - The Office of Chief Counsel provides an annual ethics briefing for public financial disclosure filers that includes Senior Executive Service employees.
 - CBP officers are to conduct integrity-related exercises specific to interviewing individuals for admission to the United States.
 - New supervisors are to complete an “On-the-Job” self-study with integrity-related components within 1-year of promotion.
- CBP provides officers and agents with integrity-related materials:
 - All new supervisors are to receive reference guides that address issues involving integrity, ethics, and professionalism.
 - Border Patrol agents are to be notified of incidents involving misconduct, policy violations, and/or safety concerns through reports known as “Muster Modules.”
 - All agents are to receive a pocket card on the first day of Basic Academy as a reference guide to help them recognize and report corruption.



Objective 2: CBP Has Not Finalized a Comprehensive Integrity Strategy

- CBP has not yet finalized its comprehensive integrity strategy, as called for in its *Fiscal Year 2009-2014 Strategic Plan*.
- In response to the recommendation in our December 2012 report that CBP set target timelines for completing and implementing a comprehensive integrity strategy, CBP set a timeline for completing the strategy by May 2013.
- However, as of early July 2013, CBP officials stated that the strategy was undergoing final clearance within the agency. Moreover, CBP has not yet set timelines for its implementation.
- CBP IA officials stated that integrity-related training is part of the draft strategy. However, the strategy is not yet finalized. We will continue to monitor CBP's efforts to complete and implement the strategy in following up on our December 2012 report recommendations.



GAO Contact

- Should you or your staff have questions concerning this report, please contact:

Rebecca S. Gambler
Director, Homeland Security and Justice
(202) 512-6912
GamblerR@gao.gov

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (www.gao.gov). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to www.gao.gov and select "E-mail Updates."

Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <http://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#). Subscribe to our [RSS Feeds](#) or [E-mail Updates](#). Listen to our [Podcasts](#). Visit GAO on the web at www.gao.gov.

To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Website: www.gao.gov/fraudnet/fraudnet.htm

E-mail: fraudnet@gao.gov

Automated answering system: (800) 424-5454 or (202) 512-7470

Congressional Relations

Katherine Siggerud, Managing Director, siggerudk@gao.gov, (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

Public Affairs

Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548

