The U.S. Border Patrol requires less pre-employment screening than any local police department, from Marana to South Tucson.

Prospective Border Patrol agents do not have to take polygraph or psychological tests - practices that are standard in 90 percent of law enforcement agencies nationally, said Kevin Gilmartin, a Tucson-based consultant to law enforcement agencies.

"If anything, the Border Patrol should have higher standards," Gilmartin said. "Given the potential abuse of power, a Border Patrol agent should be among the most heavily screened."

The nature of a Border Patrol agent’s work - in desolate stretches of desert, free from immediate supervision, arresting people who don’t know what, if any, rights they have - makes the lack of intensive screening more dangerous, critics say.

The Border Patrol contends that the federal agency responsible for its background checks does not allow the use of lie detector test. Agencies must fit the definition of "national security" to conduct polygraph tests, said Border Patrol spokeswoman Nicole Chulick.

But Rich Ferris, associate director for investigations at the Office of Personnel Management, said the Border Patrol could petition to use polygraph tests but never has.

Ferris said the Border Patrol’s background checks are the "top of the line" offered by OPM. The service interviews applicants, as well as acquaintances, present and former employers and other references. Investigators also routinely go to the applicant’s hometown to interview neighbors, he said.

OPM also conducts reinvestigations into Border Patrol agents’ behavior and financial situation every five years.

However, the OPM reinvestigations failed to detect that Hector Hugo Esquinca, a Nogales agent who joined the Border Patrol in 1996,
allegedly falsely claimed his parents as dependents on his tax returns for four years, according to court files. The reinvestigation includes credit checks, Ferris said, but not a review of tax records.

Esquinca is on an indefinite suspension without pay following his arrest in September on drug-trafficking charges.

The Border Patrol’s screening procedures came under heavy scrutiny after Congress ordered the Border Patrol to add 1,000 border agents each year for five years. From 1993 to 2000, the number of agents increased from 3,965 to 9,181. President Bush is proposing in his new budget that the number of current agents be doubled.

In the hiring push of the ’90s, applicants with dubious pasts, including criminal records, made it into the ranks of Border Patrol.

In 1998, Nogales agent Hector Soto was charged with drug trafficking and murder of cocaine supplier Hernan Rodas. Rodas was killed two years before Soto was hired.

Ferris defended the background check in the Soto case.

"There were only two people who knew about that murder," Ferris said. "The guy that Hector (Soto) shot and the guy that Hector was with" during the shooting.

But Gilmartin disagreed, raising questions about the extent investigators checked into Soto’s dubious past.

"Hector Soto would not be a Tucson police officer," Gilmartin said. "Period. They would have done a much more thorough background investigation."