

Adjudicative Guideline D

Sexual Behavior Short Job Aid

The Concern

Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

Disqualifying Conditions

Conditions that could raise a security concern and may be disqualifying include:

- (a) Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;
- (b) A pattern of compulsive, self-destructive, or high-risk sexual behavior that the individual is unable to stop;
- (c) Sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and
- (d) Sexual behavior of a public nature or that reflects lack of discretion or judgment.

Mitigating Conditions

Conditions that could mitigate security concerns include:

- (a) The behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;
- (b) The sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (c) The behavior no longer serves as a basis for coercion, exploitation, or duress.
- (d) The sexual behavior is strictly private, consensual, and discreet; and
- (e) The individual has successfully completed an appropriate program of treatment, or is currently enrolled in one, has demonstrated ongoing and consistent compliance with

the treatment plan, and/or has received a favorable prognosis from a qualified mental health professional indicating the behavior is readily controllable with treatment.

Listed below is clarifying guidance pertaining to Adjudicative Guideline D - Sexual Behavior.

Clarifying Guidance- Relevance to Security

Individuals' inability or unwillingness to control their sexual desires, behaviors, or emotional needs can lead to poor judgement. Inappropriate sexual behavior can reflect negatively on an individual's character and integrity, raising concerns about their ability to protect classified or sensitive information.

Individuals engaged in inappropriate sexual behavior may be vulnerable to coercion or blackmail by foreign intelligence services or other adversaries seeking to exploit their behavior for nefarious purposes.

Any American government official, scientist, business traveler, or tourist with access to useful information can become the target of a foreign intelligence or security service at any time in many different countries.

Any sexual relationship with a foreign national while traveling or stationed abroad in a country that conducts intelligence operations against the United States should be of interest to adjudicators.