

Student Guide**Guideline J: Criminal Conduct**

Objective	The objective of this short is to help the learner identify Criminal Conduct security concerns as outlined in the Security Executive Agent Directive 4 National Security Guidelines effective June 08, 2017.
Estimated Completion Time	20 minutes

Screen 1

Meet Cynthia Connor. She is a 24 year old Graphics Designer employed by a government contractor. Recently, she was selected to work on a new Department of Defense project. This project is scheduled to begin this summer, and requires Top Secret eligibility and access. Cynthia submitted the required paperwork to initiate her security background investigation through her security office.

Now, your task is to review Cynthia's completed background investigation files and make an eligibility determination. Please note that other adjudicative guidelines may apply. In this case you will focus only on Guideline J: Criminal Conduct.

Screen 2

The most important part of an adjudicator's job is to examine a sufficient period of a person's life to determine whether or not the person is an acceptable security risk.

This task should never be taken lightly as cleared personnel may eventually have access to classified information.

Adjudicators take into consideration all relevant information, both favorable and unfavorable from a person's past and present to form the "whole-person concept," when making an eligibility determination.

Screen 3

In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

- The nature, extent, and seriousness of the conduct;
- The circumstances surrounding the conduct to include knowledgeable participation;
- The frequency and recency of the conduct;
- The individual's age and maturity at the time of the conduct;
- The extent to which participation is voluntary;
- The presence or absence of rehabilitation and other permanent behavior changes;
- The motivation for the conduct;
- The potential for pressure, coercion, exploitation, or duress; and
- The likelihood of continuation or recurrence.

Screen 4

Guideline J, Criminal Conduct, states that criminal activity creates doubt about a person's judgment, reliability and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

While reviewing Cynthia's investigative file, you read that the investigator spoke with Cynthia's best friend from high school. Her friend disclosed that six years ago, just before high school graduation, the two friends were arrested and charged with shoplifting.

Click on the folder to review the details in Cynthia's file.

(File folder information.)

- A local agency check reflected a six year old shoplifting arrest with a disposition of six months unsupervised probation and a \$250 fine.
- Cynthia did not list this arrest on her SF-86.
- When questioned about the arrest during her Subject Interview, Cynthia stated she didn't think that she needed to list the offense, as it happened when she was 17-years old, and therefore a minor.
- She also thought it occurred outside the designated timeframe that would have required her to list it on her SF-86.
- She also advised that she successfully completed her probation, paid the fine and also voluntarily participated in community service initiatives sponsored by her high school.
- Cynthia has not been involved in any other related incidents and has not been arrested, charged, or cited for any other criminal offense since the shoplifting incident.

- Cynthia's Subject Interview substantiated the local agency check information.
- Cynthia's background investigation did not reveal or develop any additional criminal activity.

Screen 5

Does the information in Cynthia's file raise a valid security concern under Guideline J, Criminal Conduct?

Click on the file folder to review the file, then select the disqualifier(s) that apply to Cynthia's case. Then click on the Submit button.

Screen 6

Cynthia's shoplifting incident is a security concern, but each Adjudicative Guideline has specific mitigating conditions that sometimes allow an applicant to be cleared in spite of the concern.

Do any mitigating conditions apply to Cynthia's case?

Click on the file folder to review the file and select the mitigator(s) that apply to Cynthia's case.

Then click on the submit button.

Screen 7

The information from Cynthia's background investigation raised a concern under Guideline J, Criminal Conduct. However, this security concern is mitigated as six years have elapsed since the arrest and Cynthia presented evidence of successful rehabilitation. But this does not mean she will automatically receive top secret eligibility. Her case needs to be adjudicated against all the adjudicative guidelines before a final eligibility decision can be made.

For information on all the Adjudicative Guidelines, please see the other Shorts developed by CDSE.

To review Guideline J: Criminal Conduct conditions of concern and mitigation, click on the Job Aid button.