

Criminal Conduct

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Relevance to Security

Willingness to abide by rules is an essential qualification for eligibility for access to the nation's secrets. Past or current criminal activity creates doubt about a person's judgment, reliability, trustworthiness, and willingness to follow the rules and regulations that protect classified information.

Adjudication standards that disqualify individuals with a significant criminal history are supported by evidence that past adult criminal behavior predicts an increased likelihood of future criminal behavior. See [Risk of Adult Recidivism](#).

The picture is different with juveniles. The vast majority of juvenile offenders get into trouble only once or twice and stop offending as they mature.

However, chronic juvenile offenders (five or more arrests before age 18) are at high risk of becoming adult criminals. See [Risk of Juvenile Recidivism](#).

Screening out applicants with a significant criminal history protects the organization against more than just espionage. Organizations are vulnerable to a wide variety of crimes including embezzlement, procurement fraud, sabotage of computer systems, and theft of government property. Other crimes such as drug dealing, illegal gambling, assault on coworkers, theft from other employees, and prostitution also affect the workplace.

National security organizations have a vested interest in maintaining high standards. A study of employee theft makes this observation:

"Many industrial security experts have warned that if an employee is exposed to laissez faire attitudes toward honesty, there is a good likelihood that this attitude will carry over into subsequent work experiences....we have learned that the work environment which tacitly ignores or tolerates petty incidents of dishonesty is also the same climate which may cultivate further unethical activity in a variety of other settings." [1](#)

Most government organizations and private businesses do not know and cannot measure accurately how much they suffer from theft in the workplace by employees or outsiders. "The professional business literature contains many accounts indicating that when companies do gather the necessary data, they are often surprised at the magnitude of losses they have been sustaining." [2](#)

Risk of Adult Recidivism

Less serious felony offenders are often sentenced to probation rather than prison. The recidivism rate for those sentenced to prison is high, because even those serving their first term in prison have often had considerable prior experience with the judicial system. Their prison sentence often comes only after the judge has given them a second chance to get their life in order, and they have failed. A report released in 2002 by the U.S. Department of Justice's Bureau of Justice Statistics followed 272,111 inmates for three years after their release from prison in 1994. Overall 44.2% of inmates were re-arrested within one year of their release, and within three years, 67.5% had been arrested again. Car thieves were the most likely criminals to recidivate. [3](#)

Risk of Juvenile Recidivism

The majority of youths processed by the juvenile court system get into trouble only once. One national study found that approximately "54% of males and 73% of females who enter the juvenile justice system never return on a new referral."[4](#) A significant number get into trouble twice, but it

drops off sharply after that. Most juvenile delinquents do stop committing crimes as they mature.

As a general rule, youthful indiscretions should not be held against an individual. Good kids often make mistakes. However, chronic juvenile offenders and those who start offending at the earliest ages (before age 15) are likely to continue committing crimes as adults, and such a record should be considered by the adjudicator.

One 20-year study that followed 4,146 males found that the number of arrests before age 17 is a significant indicator of adult criminal behavior. Also, an individual's age at their first arrest is a strong predictor of continuing criminal behavior. Those arrested before age 15 were six times more likely than others to be arrested again after age 21. Of juveniles with five or more arrests before age 17, 98.8% persisted with criminal behavior after age 21, 91.2% after age 25, and 70.0% after age 31. [5](#)

When an individual has one or more offenses as an adult, a juvenile record then becomes relevant to a judgment about a pattern of unreliability and untrustworthiness.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) a single serious crime or multiple lesser offenses;*
- (b) discharge or dismissal from the Armed Forces under dishonorable conditions;*
- (c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted;*
- (d) individual is currently on parole or probation;*
- (e) violation of parole or probation, or failure to complete a court-mandated rehabilitation program.*

A "serious" crime is often defined as a felony, as distinct from a misdemeanor or ordinance violation. Conviction, admission, or strong evidence of a felony will usually support a recommendation for disapproval unless there are unusual mitigating circumstances. If there is good reason to believe the person committed a felony, but the crime was plea-bargained down to a misdemeanor, it should be treated as a felony. Which crimes are

considered felonies varies from one state to another and changes over time. The following actions may be considered a serious crime or breach of trust even if they are not categorized as a felony:

- Any crime punishable by confinement for more than one year;
- Any crime involving the use of force, coercion or intimidation; violence against persons; or the use of firearms or explosives;
- A violation of parole or probation, or failure to complete a court-mandated rehabilitation program;
- Any criminal or civil offense involving breach of trust or fiduciary duty, including embezzlement, bribery, insurance fraud, or falsification of documents or statements for personal gain of more than \$500.
- Discharge or dismissal from the Armed Forces under dishonorable conditions;
- Obstruction or corruption of government functions or deprivation of civil rights.

Two or more lesser crimes or civil offenses that indicate a pattern of illegal or irresponsible behavior may also be disqualifying. A violation of parole or probation suggests a possible pattern of criminal behavior. Multiple offenses indicate intentional, continuing behavior that raises serious questions about the person's trustworthiness, reliability, and judgment. A pattern of disregard for the law is just as significant as the monetary value or penalty ascribed to a given crime. See *Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior* under the [Personal Conduct](#) guideline.

When evaluating criminal conduct, the individual's behavior is the primary consideration, not whether the individual was prosecuted or convicted. If there is good reason to believe the subject committed a serious crime but was not prosecuted or convicted due a legal technicality or insufficient evidence to show guilt beyond reasonable doubt, the subject may still be denied a clearance. The burden of proof is different in the courtroom than in the personnel security system. No one has a right to a clearance. The burden of proof is on the government to show "positive evidence of reliability, trustworthiness, etc."

Relationship of Criminal Conduct To Other Adjudicative Guidelines

A criminal record that falls below the threshold for adverse action under the Criminal Conduct guideline may nevertheless be relevant under the [Personal Conduct](#) guideline, *Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior*. A couple of misdemeanor offenses, for example, when combined with derogatory information in other issue areas, may add up to a pattern of unreliability, untrustworthiness, or poor judgment that is a basis for adverse action under Personal Conduct.

In the absence of any other criminal behavior, misdemeanor offenses, such as those related to driving under the influence, would not be grounds for disqualification under Criminal Conduct. They may be a more serious concern when evaluated under the Alcohol Abuse guideline if they are part of a pattern of alcohol abuse, or under the Personal Conduct guideline if they are part of a pattern of unreliability, untrustworthiness, or poor judgment.

Sex crimes involving the use of violence are a particularly serious concern under the Criminal Conduct guideline. Sex crimes that do not involve violence, coercion or intimidation should be evaluated from a criminal perspective as well as from sexual and emotional/mental perspectives.

Multiple property crimes such as burglary, robbery, and theft could indicate drug abuse. Many property crimes are motivated by a need to obtain money for drug purchases. The U.S. Department of Justice's Bureau of Justice Statistics reports that, in 1999, 13.3% of all crime was motivated by the need to obtain money for drugs and 24.4% of property crimes were committed for drug money. [6](#)

Compliance with Bond Amendment

Public Law 110-181, Section 2002 (50 U.S.C. 435c), commonly referred to as the Bond Amendment, repealed and revised a previous law known as the Smith Amendment. Similar to the Smith Amendment, the Bond Amendment places restrictions on who is eligible for a security clearance. However, unlike the Smith Amendment which applied only to Department of Defense (DoD) security clearances, the Bond Amendment applies to clearance adjudications by all Federal agencies. Another important difference between the two laws is that, with the exception of provisions that apply to addiction to drugs or being an unlawful user of a controlled substance (discussed under [Drug Involvement](#)), the Bond Amendment only applies to specific levels of clearances.

The Bond Amendment provides that, absent an express written waiver, no Federal agency may grant a security clearance that provides access to Special Access programs (SAP), Restricted Data (RD), or Sensitive Compartmented Information (SCI) if that individual:

- has been convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year;
- has been discharged or dismissed from the Armed Forces under dishonorable conditions;
- is mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States

Government and in accordance with the adjudicative guidelines required by subsection (d).

The DoD CAFs, PSABs, and DOHA handle cases which involve decisions regarding the granting, denial or revocation of eligibility for access to SCI. However, these organizations currently have no ability to predict whether the individuals for whom eligibility determinations are being made will also require access to RD or SAPs. Accordingly the DoD guidance found in the Memorandum for Secretaries of the Military Departments, et al, *Interim Guidance for the Implementation of Public Law 110-181, Section 2002 (the Bond Amendment) Regarding Adjudication of Security Clearances*, June 20, 2008, should be followed for all DoD national security adjudicative determinations.

In cases involving a subject who is currently an unlawful user of a controlled substance or a current addict, see [Drug Involvement](#). In all other cases in which an adjudicator determines that any of the Bond Amendment criteria apply, including in those decisions regarding National Guard and Reserve Personnel, the following applies:

- A meritorious waiver [of the Bond Amendment criteria] may be granted, if appropriate, in cases involving individuals (1) who have been convicted of crimes and incarcerated for not less than one year, and (2) who have been discharged or dismissed from the Armed Forces under dishonorable conditions, and (3) who are determined to be mentally incompetent. When one of these conditions is present in a case, the adjudicator will proceed with the adjudication using the appropriate mitigation conditions as found in the 2005 Adjudicative Guideline, and DoD procedures for eligibility determinations. If an adjudicator determines a meritorious waiver is appropriate and the adjudicator would have arrived at a favorable decision but for the Bond Amendment disqualification, the adjudicator may grant the meritorious waiver.
- Meritorious waivers will be considered as 'Exceptions' to the 2005 Adjudicative Guidelines and will be annotated as a 'Waiver' in Joint Adjudication Management System (JAMS). Adjudicators will provide a detailed justification for the meritorious waiver in JAMS.
- If, after applying the appropriate mitigating factors listed in the 2005 Adjudicative Guidelines, the adjudicator determines that a meritorious waiver is not appropriate, the eligibility will be denied or revoked with a Statement of Reasons (SOR) which cites the Bond Amendment. The Department's established administrative review procedures, including hearing and appeal processes, will be followed in all such cases."
- Under the current delegations of adjudication authorities, a meritorious waiver may be granted during any stage of the adjudication or the applicable due process. If a Letter of Intent or SOR has been issued, the meritorious waiver decision will be made by the Director or

Deputy Director of the DoD adjudication facility. If a Letter of denial or Revocation has been issued by a CAF, the final meritorious waiver decision will be made by the Head of the PSAB of the employing Component, or the Director of DOHA for industry cases serviced by DOHA.

Personnel whose eligibility was previously denied or revoked under the Smith Amendment may only be reconsidered for eligibility under the above provisions if the original denial or revocations was based on a criminal conviction with incarceration for not less than one year, a discharge or dismissal from the Armed Forces under dishonorable condition, or a determination of mental incompetence; *and* the individual's employer or government sponsor nominates him/her for a position requiring a security clearance. Those personnel are not required to wait the mandatory one year for reconsideration.

The rules of reciprocity apply for personnel who transfer from one DoD organization or Federal agency to another. However, for transfer cases where the subject was adjudicated under an exception, re-adjudication for consideration of Bond Amendment disqualifiers is appropriate.

Crimes of Domestic Violence

The Lautenberg Amendment to the Gun Control Act of 1968 makes it a felony for any person to sell or otherwise dispose of firearms or ammunition to any person whom she or she knows or has reasonable cause to believe has been convicted of a "misdemeanor crime of domestic violence." It also makes it a felony for any person so convicted to ship, transport, or possess any firearm or ammunition in, or affecting, interstate or foreign commerce.

This law has the effect of prohibiting the possession of firearms or ammunition by individuals who have been convicted of a misdemeanor crime of domestic violence.[28](#) There is no exemption for military, law enforcement, or security personnel, so this amendment has a potentially significant impact on several categories of cleared personnel who must carry a firearm during the course of their job.

This amendment, which became effective on September 30, 1996, states that:

- "It shall be unlawful for any person ... who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport ..., or possess ..., any firearm or ammunition, or to receive any firearm or ammunition."
- "It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable

cause to believe that such person ... has been convicted in any court of a misdemeanor crime of domestic violence."

The law defines the "misdemeanor crime of domestic violence" as a crime that is a misdemeanor under either federal or state law and involves the use or attempted use of physical force or the threatened use of a deadly weapon against a person with whom the offender has a family or family-like relationship. It is domestic violence when the offender is the current spouse, former spouse, parent, or guardian of the victim, shares a common child with the victim, someone who is now cohabitating or used to cohabit as a spouse, parent, or guardian, or someone similarly situated as a spouse, parent, or guardian of the victim.

To qualify as a conviction under the Lautenberg Amendment, the offender must have been represented by legal counsel and been tried by jury and found guilty, or knowingly and intelligently waived these rights. The Lautenberg Amendment does not apply if the alleged offender pled no contest (*nolo contendere*), if there is any form of deferred or other alternative disposition, if the conviction has been expunged or set aside, or if the offender has been pardoned.

DoD has issued policy guidance for the implementation of this law as the military justice system does not categorize crimes as misdemeanors or felonies.²⁹ According to DoD policy, conviction by general or special court-martial of a crime that otherwise meets the definition of misdemeanor domestic violence is covered under the Lautenberg Amendment. Although the statutory language only speaks to misdemeanor convictions, the firearm possession rules also apply to felony convictions and foreign convictions as a matter of DoD policy. Offenses punished by summary court-martial, imposition of nonjudicial punishment (Article 15, UCMJ or Captain's Mast) are not covered. Major weapons systems such as tanks, crew-served weapons, and aircraft are excluded from the definition of firearms and ammunition.

The policy directs each DoD component to implement a program to inform its personnel with access to firearms or ammunition of the domestic violence amendment to the Gun Control Act and its potential consequences. Individuals who have a qualifying conviction under the Lautenberg Amendment are not eligible for employment in any position that requires access to or use of firearms.

The final DoD rules require use of the DD Form 2760, December 2002, if commands require someone to inform them of whether they have had such a conviction or if commanding officers require personnel to answer questions or provide information about whether they have been convicted of a qualifying offense. The form contains "use immunity" provisions, personally approved by the Secretary of Defense as a general court-martial convening authority and the U.S. Attorney General, to prevent information provided by service

members from being used against them in a court-martial or Federal prosecution for violation of 18 U.S.C. 922(g)(9).

The final DoD rules, like the statute, do not include any exception for military members to possess firearms or ammunition for any reason, including mandatory annual firearm qualification or the performance of military duties. The services were also directed by DoD to promulgate regulations governing permanent adverse personnel actions, including administrative discharge that may be initiated for service members who have a qualifying conviction.

Clean Criminal Record Does Not Mean Absence of Criminal Behavior

Checks of criminal records identify only the tip of the iceberg of criminal activity. A clean record indicates only that there are no records of criminal conduct in the places checked. The absence of information in criminal record files should not be viewed as positive evidence of reliability or trustworthiness.

Most crimes are not reported to the police. Most reported crimes do not lead to arrest, and many arrested persons are not prosecuted and convicted. Even for those who are prosecuted and convicted, the criminal records are often incomplete or missing. As a result, the chances are small that an individual who has committed a single crime will have a criminal record. This suggests that the person who has a minor criminal record may not be very different from a person who has no criminal record at all. The more crimes a person has committed, the greater the odds of that person having a record.

Much past criminal behavior is likely to be discovered only by self-admission, interviews with references or developed sources, or polygraph examination. This behavior should be evaluated under the adjudication guidelines even though there may be no criminal record.

Most Crimes Are Not Reported

The 2001 National Crime Victimization Survey found that only 39.9% of all crime is reported to police. Broken down by type of crime, 48.9% of personal or violent victimizations and 37% of all property crimes were reported. Robbery resulting in bodily harm was the most often reported violent crime (81.6%), while attempted purse snatching was the least often reported (27.2%). Of property crimes, motor vehicle theft was most commonly reported to police (94.2%) and personal theft of items valued at less than \$50 was the least likely to be reported (15.2%). The reason most often stated for NOT reporting crime to police is that it was a "private or personal matter."⁷ These statistics emphasize the importance of checking all sources of possible criminal information and not relying solely on criminal record data.

Even fewer crimes against businesses are reported to police. For example, shoplifting and theft by retail employees are very common, but even those offenders who are caught are often not reported to police. Most businesses handle these and other economic crimes such as fraud and minor embezzlement internally (through job termination, restitution, demotion), through civil litigation, or by writing them off as a cost of doing business.

Victimless crimes, such as illegal drug use and underage drinking, where all parties involved are willing participants, are rarely reported.

Most Reported Crimes Do Not Lead to Arrest

The FBI's annual report on crime in the United States reports that only 20% of Crime Index offenses (the most serious offenses) reported during 2002 were "cleared," which in most cases means the alleged offender was arrested and turned over to the court for prosecution. The clearance rate was 46.8% for violent crimes and 16.5% for property crimes. [8](#)

If only 39.9% of crimes are reported and only 20% of those reported lead to arrests, this suggests that the chances of a crime leading to arrest are only about 8%. Owing to significant differences in procedures between the FBI reporting and the National Crime Victimization Survey, this 8% figure is only a very rough approximation.

Many Arrested Persons Are Not Prosecuted or Convicted

For persons arrested by the police on felony charges, about 27% are typically released due to insufficient evidence or legal technicalities unrelated to guilt or innocence. About 73% are prosecuted. Of those prosecuted, 11% are acquitted and 89% are convicted. [9](#)

To avoid the cost and uncertainties of a trial, many prosecuted cases are plea-bargained down to conviction for a misdemeanor rather than a felony, which generally involves far less serious consequences for the defendant. In 2002, 74.5% of persons arrested and prosecuted for a felony crime received prison sentences. [10](#) Thus, if 73% of arrestees are prosecuted and 74.5% of those are sentenced to prison, approximately 55% of persons arrested on felony charges actually spend any time in a correctional institution. (Due to differences in reporting procedures from the various agencies noted in the Sourcebook of Criminal Justice Statistics, 55% is only a rough estimate.)

Records of cases that are dismissed without prosecution or that are plea-bargained may be incomplete or misleading. When evaluating criminal conduct, the individual's behavior is the primary consideration, not whether the individual was prosecuted or convicted. If there is good reason to believe the person committed a felony but plea-bargained down to a misdemeanor, it

should be adjudicated as a felony. Investigators need to provide adjudicators with the information required to make this judgment.

Criminal Records Are Often Incomplete

The quality of criminal records leaves much to be desired. Although many efforts are under way to automate and centralize criminal records, it will be years before a single check of criminal records at the national level provides reasonably complete coverage.

The National Agency Check (NAC), which includes a check of FBI criminal records, is normally the first step in the investigative process. For the following reasons, the FBI records contain only a fraction of the data on criminal offenses available through state and other local agencies:

- As a general rule, only felonies and serious misdemeanors are recorded in FBI files.
- Juvenile arrest records are not normally forwarded to the FBI, and juvenile crime represents a large part of the criminal history of military enlistees.
- Many adult arrest records are not forwarded to the FBI for a variety of reasons that differ from state to state and from one police department to another. One common reason is that many reports received by the states from their local jurisdictions are not complete enough to meet requirements for inclusion in the FBI data base.

There is also considerable slippage at the local and state level; that is, most centralized state files are also quite incomplete. The most common failing is lack of reporting on the disposition of those who have been arrested. Only about half of all arrests lead to conviction. Many who are arrested, fingerprinted, and reported to the state's central criminal records repository are subsequently not charged with a crime, are charged but not prosecuted, or are prosecuted unsuccessfully, and these subsequent actions are often not reported to the state repository.

Across the nation, including the FBI's Identification Division and state repositories, the disposition of cases during the past five years is reported for about 80% of reported arrests. The figures are lower when arrests older than five years are considered. [11](#)

Another weakness is that expunging, setting aside, or pardoning felony convictions may not be recorded in the state repository, or it may result in the record of the felony conviction being removed from the file. [12](#)

Juvenile Records

Juvenile records are becoming increasingly available to investigators. Until recently, confidentiality of juvenile record systems was ensured *de facto* because the systems were so primitive that the information could not be retrieved anyway. Currently, attention is focused on reducing crime by identifying career criminals and keeping them off the streets with longer sentences. This increases the pressure for judges, parole boards and others to have prompt access to accurate juvenile records.

Records of juvenile crimes are sometimes maintained in separate systems that, in most states, are far less complete, accurate, and automated than records of adult criminals. Different states have different procedures for sealing, expunging, or limiting access to juvenile records. Efforts are under way in many states to improve the quality and retrievability of these records, and past practices of restricted access to juvenile records are being reviewed.
[13](#)

Shoplifting, Employee Theft Traffic Offenses

Shoplifting, theft by employees, and serious traffic offenses are common crimes that often do not show up in a criminal records check. They do not show up either because the victims have not pursued them through the criminal records system or because the crimes were committed outside the subject's home area where the local agency checks are conducted. Because an individual's participation in such crimes is so frequently missed by a criminal records check, investigators should ask about such offenses during subject and reference interviews.

Shoplifting

According to the 2004 National Retail Security Survey, shoplifting is the most frequent crime against retailers. It cost U.S. retailers over \$10 billion in 2004 alone.[14](#) Many stores are reluctant to pursue criminal prosecution of shoplifters because prosecution requires their manager and security personnel to spend so much time in court. Cases most likely to be prosecuted are when high-value merchandise is involved, the individual is believed to be a repeat offender, or believed to be a member of a criminal gang.

Alternative procedures for dealing with shoplifters are more common than prosecution. In almost all states, store owners themselves can now impose civil fines on shoplifters. The fines range from \$40 to three times "actual damages," depending on the state. Without ever going into the criminal court system, the store owner may impose the fine and turn over collection to a lawyer or collection agency. In the case of a juvenile, the store owner may collect from the shoplifter's parent. If the fine is not paid, the store owner can then sue in civil court.[15](#) If a teenager is involved, a store may simply hold the individual in the security office while calling the parents.

Since most people who have been apprehended for shoplifting will not be identified in a criminal records check, it is advisable for investigators to ask specifically about such offenses when conducting interviews. This information is likely to come only from self-disclosure in a subject interview or polygraph examination or from questions asked during reference or employment interviews.

Most shoplifters are from the middle class, not from the lowest socioeconomic groups. This is not a crime motivated largely by economic need. A majority of shoplifters have on them the cash or credit cards needed to pay for the stolen items.¹⁶ In fact, 59% of shoplifters report that they buy some merchandise at the same time they are stealing.¹⁷ Although it is a minor offense, shoplifting by an adult not in desperate need reveals important information about an individual's trustworthiness and reliability.

Employee Theft

The impression of security personnel and retail store managers is that employee theft outranks shoplifting as a source of loss to retail merchants. Employee theft is the number one cause of inventory shrinkage (lost revenue from missing inventory) for retailers nationwide, with the average loss per incident approaching \$1200. In 2004, retailers lost almost \$15 billion to employee theft. ¹⁴

Most researchers agree that between 50% and 75% of retail employees steal from their employers, in one form or another, but in this context "stealing" includes misuse of the employee discount, selling merchandise to friends at a discount, and reporting incorrect hours worked. In many cases, the items taken have minimal value. Many rationalize their actions as not stealing. In many cases, misuse of the employee discount may be beneficial to the store, as merchandise is still sold at a profit and the alternative may be no sale at all.

In a survey of 500 retail employees nationwide in the late 1990s, 13% admitted stealing from their employer and another 66% admitted that they would steal if they saw others doing so with no consequences. Of the 13% who admitted stealing, 49% did so out of greed, 43% reported stealing to "get even" for some perceived injustice, and 8% reportedly stole out of need.¹⁸ Research has shown that rates of employee theft have continued to rise since the late 1970s. This is most true in periods of economic difficulty or when employees feel as if they are being unfairly compensated. ¹⁹

For employee theft, like shoplifting, a check of criminal records is a very imperfect source of information on past transgressions. In most cases, the employee is simply terminated. Some companies prefer to pursue restitution and penalties in civil court rather than in a criminal case. Investigators are likely to obtain information only through self-disclosure during the subject interview, employment or reference interviews, or polygraph examination.

Traffic Offenses

It is often said that the way people drive is a reflection of their personalities. Various types of high-risk behavior often appear together as part of a general personality syndrome. Persons arrested for high-risk driving (speeding, unsafe lane changes, tailgating, driving under the influence, etc.) are more likely than others to abuse alcohol, use drugs, and engage in high-risk sexual behavior, fighting, stealing, and vandalism. People involved in auto crashes are more likely than others to have problems controlling hostility and anger, have difficulty with authority figures, and be more impulsive and immature.

[20](#)

A record of two or more moving violations during the past three years, or three or more during the past five years, suggests the possible existence of relevant derogatory information in other issue areas. If other derogatory information is available, all of the derogatory information should be evaluated together under [Personal Conduct](#), *Pattern of Dishonest, Unreliable, Rule-Breaking Behavior*.

Some traffic offenses originate as arrests for driving under the influence but are then plea-bargained down to a lesser offense to avoid the cost of trial. When identified for what they are, such an offense should be evaluated as a DUI under Alcohol Consumption or Drug Involvement, as appropriate.

Mitigating Conditions

Extract from the Guideline

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) the person was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) evidence that the person did not commit the offense;

(d) there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.

Discussion of Guideline

Mitigating circumstances that might justify approval despite a criminal record include:

- **Time Elapsed:** There is no fixed threshold for how much time must have elapsed before a person with a criminal record can be approved. It depends upon a combination of factors that are discussed below under [recency](#) of the criminal behavior, whether it was an [isolated incident](#), and [unique circumstances](#).
- **Pressured or Coerced:** Special consideration may be appropriate if an individual commits a crime under duress, such as threats to one's family. This mitigation would not apply, however, if the person's own behavior was responsible for provoking the threats, for example, threats made in an effort to collect gambling debts.
- **Exculpatory Evidence:** As discussed under the disqualifying factors, this mitigation requires positive evidence of innocence, not simply a decision not to prosecute or failure to convict due to a legal technicality. The burden of proof is different in the courtroom than in the personnel security system, where no one has a right to a clearance.
- **Successful Rehabilitation:** There is no fixed threshold for how much time must elapse before a person can be considered "rehabilitated." It depends in large measure on the person's behavior since the crime was committed. Relevant behaviors are not limited to those listed in the guideline. Rehabilitation can also be shown by a significant change in life style and in attitudes toward social responsibility, including, for example, religious conversion.

When evaluating mitigating conditions, adjudicators should consider age at time of offense, nature and circumstances of the offense, and amount of time elapsed since the offense. People do change, but as a general rule adjudicators should require positive evidence of change, not simply the passage of time. Evidence of change might be a change in associates and lifestyle, repayment or remorse, a pattern of responsible behavior, or results of detailed psychological evaluation. Continuing evidence of any form of antisocial, irresponsible, violent or high-risk behavior may contribute to a decision against approval despite the passage of time since the criminal offense.

Crime Was Not Recent

Passage of time since committing a criminal offense may be a mitigating factor that allows approval. The question is, how much time needs to elapse before it is reasonable to conclude that a person has demonstrated sufficient reliability, trustworthiness, and good judgment to outweigh a prior criminal offense? This varies depending, in part, on the seriousness and

circumstances of the offense (misdemeanor vs. felony), age at the time of the offense, and evidence of positive change in attitudes or lifestyle since the offense was committed.

At least seven states have passed statutes that recognize the small risk of recidivism by offenders with old criminal history records and no recent offenses. These statutes permit "old" records to be sealed or purged, either automatically through administrative action or selectively through court petition. These statutes generally apply to convictions that are either 5 or 10 years old with no subsequent offenses.[21](#) On the other hand, courts in about 15 states have addressed the question of whether the passage of time alone can deprive the public of its right to access to criminal records; in most cases, they have determined that it cannot.[22](#)

Crime Was an Isolated Incident

Many people commit an occasional dishonest act while continuing to see themselves as law-abiding, honest citizens. They make an impulsive decision, have an uncharacteristic lapse of judgment, or use a convenient rationalization -- that everyone is doing it, they are only taking what they deserve, or it is not harming anyone.

Criminologists have long believed that an overwhelming majority of people have committed at least one crime without detection, and a substantial proportion have broken the law more than once.[23](#) An often-cited 1947 study, entitled *Our Law-Abiding Lawbreakers*, found that 99% of respondents admitted committing at least one offense from a list of 49 such offenses that carried sentences of not less than one year. None of the respondents had been arrested or classified as a criminal. [24](#)

Offenses may take various forms. Many offenses, such as malicious mischief, disorderly conduct, bribery, perjury, indecency, or assault, may result from an uncharacteristic lapse in judgment or discretion, often during one's youth.

Pilfering, such as taking ashtrays or towels from a hotel room, is common. Security experts estimate that the hotel industry loses more than \$100 million each year to stolen towels, ashtrays, irons, glassware and bibles. [25](#)

It may be a financial offense such as padding an insurance claim or failing to report income on an income tax return. After the Internal Revenue Service first required banks and corporations to report all interest and dividend payments to individuals so that these payments could be matched against what the recipients report, the amount of interest and dividends reported on individual tax returns increased by 45%.[26](#) When the IRS first began in 1988 to require that names and Social Security numbers of all dependents be entered on tax returns, seven million bogus dependents vanished from the tax rolls. [27](#)

In some cases, the individual may be unaware the action is illegal -- for example, failure to pay required Social Security and unemployment compensation insurance for a maid or regular baby-sitter.

Unique Circumstances Not Likely to Recur

Transitory conditions such as severe provocation or desperate financial need to pay a medical bill may lead an otherwise honest person to suffer a lapse in judgment and commit a crime. If the offense is explained by extenuating circumstances that are unlikely to recur, and if the whole-person evaluation is favorable, this may be a mitigating factor.

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Reference Materials

Glossary of Legal Terms

This glossary is based on *FBI Uniform Crime Reports* and legal dictionaries. These definitions are quite general. Some terms may have specific definitions under various state or federal laws. For additional information, consult the "plain English" legal dictionary available on the Internet at www.nolo.com/lawcenter/dictionary/wordindex.cfm. For a more technical legal definition, see <http://dictionary.lp.findlaw.com>.

Acquittal means the case went to trial and the defendant was found not guilty because all elements of the crime were not proven beyond a reasonable doubt. Acquittal applies to criminal cases only.

Arraignment is where an accused person is brought before a court to enter a plea in response to a criminal charge presented by a prosecutor.

Arrest is the taking of a person into physical custody to answer a criminal charge or civil demand.

Article 15 of the Uniform Code of Military Justice defines procedures for nonjudicial punishment for minor offenses. See nonjudicial punishment.

Assault (aggravated) is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by other means likely to produce death or great bodily harm.

Assault (simple) is an assault or attempted assault where no weapon is used and which does not result in serious or aggravated injury to the victim.

Bad conduct discharge is a punitive discharge from military service that is less serious than a dishonorable discharge. It may be imposed for bad conduct by either a general or special court-martial.

Breaking and entering is the unlawful entry of a structure, similar to burglary, except that there is no intent to commit a felony.

Burglary is the unlawful entry of a structure to commit a felony.

Captain's Mast is a U.S. Navy term for nonjudicial punishment.

Civil case is a legal action based on a complaint lodged by one individual against another. The action is brought by a plaintiff seeking compensation for injury, damages or performance of a contract.

Conspiracy is an agreement to engage in criminal activity by two or more persons.

Conviction is the result of a criminal trial in which the court finds the accused person guilty of a criminal offense. The conviction may come about by trial, guilty plea, plea of "no contest" or a plea bargain.

Court-martial is a military court that decides guilt or innocence and determines the punishment for offenders. There are three levels of court-martial: summary court-martial for the least serious offenses, special court-martial for moderate to serious offenses, and general court-martial for the

most serious offenses. See separate descriptions for each type of court-martial.

Court of inquiry is a formal fact-finding body convened under the Uniform Code of Military Justice.

Crime is an act or omission that is punishable on conviction in judicial proceedings in the name of the government. The case is brought by a government prosecutor defending the interests of society as a whole. A crime differs from a civil offense in which a complaint is lodged by one individual against another.

Decline Prosecution is a decision of a prosecutor to not prosecute. Prosecution may be declined for many reasons, including insufficient evidence, the crime is not serious, and the prosecutor's caseload.

Discharge means to release or extinguish an obligation. Discharge of bankruptcy means the debtor has been relieved of the debts identified by the bankruptcy proceedings. Do not confuse with dismissal of a bankruptcy proceeding, which is just the opposite. Discharge from military service means termination of service. For types of military service discharge, see Dishonorable Discharge, Discharge under Other than Honorable Conditions, General Discharge, and Honorable Discharge.

Dishonorable discharge is the most serious form of punitive discharge from military service. It is reserved for those convicted of offenses usually recognized by civil law as felonies or offenses of a military nature requiring severe punishment.

Discharge under other than honorable conditions is a form of discharge given to a member of the military services when the reason for discharge from military service is either a pattern of behavior, or one or more acts or omissions, that constitute a significant departure from the conduct expected of members of the military services. It is a less severe form of punishment than a dishonorable discharge. This type of discharge is awarded only if the individual has been afforded the opportunity to request an administrative board or a discharge in lieu of trial by court-martial.

Dismissal is the final disposition of an action, suit, or motion by sending it out of court without a trial. Dismissal of a bankruptcy proceeding is the opposite of discharging a bankruptcy. The bankruptcy petition has been rejected.

Due process is a course of legal proceedings which provides for the protection or enforcement of individual or private rights under the law.

Embezzlement is taking or misapplying money or property entrusted to one's care, custody, or control.

Felony is the most serious category of crime. It is usually defined as a criminal act for which the minimum sentence is imprisonment for more than one year, although the time actually served may be substantially less. A federal felony is a violation of federal law such as espionage, counterfeiting, kidnapping, bank robbery, postal fraud, or interstate transportation of stolen goods. A state felony is a violation of state law such as murder, burglary, aggravated assault and battery, grand larceny, auto theft, or rape. Conviction for a federal or state felony may cause an individual to lose certain civil rights, i.e., in some states a convicted felon cannot vote, hold public elective office, practice certain professions and occupations, or purchase a gun.

Fraud is obtaining or converting to one's own use money or property by misrepresentation or false statements. Confidence games and bad checks are included; counterfeiting is excluded.

General court-martial is the military court that considers the most serious cases such as murder, rape, and robbery. It is composed of a military judge, five or more members who serve as a jury, and prosecuting and defense counsels. This court may impose the death penalty if legally allowed for the offense in question.

General discharge is a form of discharge given to a member of the military services whose service has been honest and faithful, but for whom significant negative aspects of the member's service, conduct or performance of duty outweigh the positive aspects of the member's military record. It is an administrative discharge that may be given, for example, to an individual who is unable to adapt or is otherwise unsuitable for military service.

Homicide is the killing of a human being. It includes criminal charges of murder, nonnegligent manslaughter (willful killing of one human being by another), and manslaughter through gross negligence.

Honorable discharge is a form of discharge given to a member of the military services whose service generally has met the standards of acceptable conduct and performance of duty, or is otherwise so meritorious that any other type of discharge would be inappropriate.

Indictment is an accusation of a crime to be proven at a trial. Indictments are considered by grand juries. If an indictment is made by a grand jury, the grand jury returns a "True Bill." If a grand jury does not believe the person committed a crime, it returns a "No Bill" finding.

Larceny is the unlawful taking, carrying, leading, or riding away with property from the possession of another person. Examples are thefts of property such as bicycles or automobile accessories; shoplifting; pocket-picking, or the stealing of any property or article which is not taken by force

and violence or by fraud. Motor vehicle theft is usually considered a separate category of offense.

Misdemeanor is a category of crime less serious than a felony. It is usually defined as an offense for which the maximum sentence is a fine or imprisonment for up to one year. Time is usually served in a city or county jail rather than in a state prison. Examples of misdemeanors are retail theft, petty larceny, trespassing, possession of small amounts of marijuana, and disorderly conduct. The distinction between a felony and misdemeanor varies from state to state. For example, some states (primarily Michigan and New Jersey) have a category of high misdemeanor or gross misdemeanor crimes that would be less-serious felonies in other states. The federal system has a lesser category of petty offenses for which the maximum penalty is a fine of \$500.

Nolo Contendere means "I will not contest it." It is a plea to a criminal charge that has a similar effect to pleading guilty except that, because the person has not admitted guilt, the plea cannot be used against that person in any subsequent litigation. If the court accepts the plea, the person will be convicted and sentenced. This is often called a "no contest" plea.

Nolle Prosequi is the same as a decision not to prosecute.

Nonjudicial punishment is imposed under Article 15 of the Uniform Code of Military Justice for minor offenses (for example, unauthorized absence) without the intervention of a court-martial. Rules of evidence do not apply. Offenders have an incentive to accept punishment under Article 15 rather than court martial, as Article 15 punishment is recorded as administrative rather than criminal in nature.

Ordinance violations are prosecuted in local or municipal court, not state court. Ordinance violations are minor offenses such as violation of local health codes, noise restrictions, etc. Penalties vary by jurisdiction.

Parole is release from prison after serving a portion of the sentence or upon meeting certain specified conditions. Violation of parole could result in the person being returned to prison for the remainder of the sentence.

Plea Bargain is the process whereby the accused and the prosecutor in a criminal case agree on a disposition of the case without trial, subject to the court's approval. It often involves the accused person pleading guilty to the crime or to a lesser offense in return for a lighter sentence. There are many different reasons for a plea bargain. A plea bargain avoids the need for a trial, thereby significantly reducing the work load for the court system. In some jurisdictions, up to 75% of the cases may be plea bargained. A problem for adjudicators is that the plea bargain agreement, which is part of the court record, may not always contain the reasons for the plea agreement, just that

an agreement has been made. A guilty plea through a plea bargain generally has the same legal effect as a guilty verdict in a trial.

Probation is a sentence, after a criminal conviction, that releases the person into the community under the supervision of a probation officer instead of sending the person into confinement or imposing a fine. The person is required to comply with certain terms of the probation, such as community service and good behavior. Violation of probation could result in the person being sent to prison.

Punitive discharge is a discharge from military service imposed as a punishment, either a bad conduct discharge or a dishonorable discharge.

Recidivism is relapse into crime by a previous offender.

Record expunged means the criminal record has been removed from those records available for public release. Many states have laws that provide for sealing, purging, or expunging certain criminal records -- generally those of juveniles, first offenders, or offenses more than 5 or 10 years old. In order to have a record expunged, the offender may be required to petition the court to remove the record.

Restriction is a form of punishment for military personnel. It is less severe than arrest. The individual may not leave a military installation or facility unless required to do so pursuant to military duties and activities.

Robbery is taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Special court-martial is the military court that handles moderate to severe offenses. There is a military judge and three or more persons serving as a jury. The accused has the right to an attorney. The maximum punishments that can be imposed are a bad conduct discharge, confinement for six months, forfeiture of two-thirds of pay for six months, and reduction in grade to E-1.

Summary court-martial is the lowest of the three levels of military courts. A single presiding officer serves as prosecution and defense, judge and jury. This officer takes evidence and passes judgment. The court can impose one month's confinement at hard labor, 45 days hard labor without confinement, restriction for 60 days, forfeiture of pay, or reduction in grade.

Uniform Code of Military Justice is the body of criminal statutes that applies uniformly to all the military services. It is commonly abbreviated UCMJ.

Vagrancy is begging, loitering, aimless wandering, etc.

Vandalism is willful or malicious destruction, injury, disfigurement, or defacement of any public or private property without consent.

Willful refers to an action which is done intentionally, knowingly, and purposefully, not accidentally or thoughtlessly.

Index to Abbreviations Used in Criminal Records

The following is a compilation of arrest abbreviations that may appear in criminal records. This includes a number of unusual abbreviations that may be used only in certain states. This was prepared from a combination of sources including an undated FBI publication *Reference Guide to Aid in Understanding Arrest Abbreviations*.

A to K -- Assault to Kill

AA PO -- Aggravated Assault on Police Officer

AAWW -- Aggravated Assault with Weapon

A&B -- Assault and Battery

A & Rob -- Assault and Robbery

ABC ACT -- Alcohol Beverage Control Act

Abd -- Abduction

Abndn MV -- Abandoning Motor Vehicle

Abus Lang -- Abusive Language

ABWIK -- Assault and Battery with Intent to Kill

Acc -- Accessory

Acc Aft Fact Rec -- Accessory after the Fact, Receiving

Accomp DD -- Accompanying Drunken Driver

Accpl -- Accomplice

Accpt Brb -- Accepting a Bribe

Acc to L -- Accessory to Larceny

ACDA -- Failure to Maintain Assured Clear Distance Ahead

Act 292 -- Buying, Possessing, or Partaking Alcoholic Beverages while a Minor under 21 yrs of age

ADA -- Assistant District Attorney

ADW WITK -- Assault with Deadly Weapon with Intent to Kill

AEA -- Atomic Energy Act

AFA -- Alien Firearms Act

Affr WDW -- Affray with Deadly Weapon

AFO -- Assaulting Federal Officer

Agg A -- Aggravated Assault

AIDA -- Automobile Information Disclosure Act

AIM -- Assault with Intent to Murder

AP -- Aircraft Piracy

APIPOCC -- Appropriating Property in Possession of Common Carrier

APO -- Assaulting Police Officer

AR -- Anti-Racketeering

ARL -- Antiriot Laws

ARL-SFCAA Antiriot Laws -- State Firearms Control Assistance Act

Armed WDW -- Armed with a Dangerous Weapon

ATL -- Anti-Trust Law

Att Burg -- Attempted Burglary

Att L -- Attempted Larceny

Auto T -- Auto Theft

AVIN -- Altered Vehicle Identification Number

AW -- Article of War

AWOL -- Absent Without Leave

B -- Breaking

BB -- Bank Burglary

BR -- Bank Robbery

BC -- Bad Check

B Dw NT -- Breaking into Dwelling, Night Time

B&E Dw DT -- Breaking and Entering Dwelling, Daytime

BECOM -- Breaking and Entering Coin Operated Machine

BE&L -- Breaking, Entering, and Larceny

B&E NT & PL -- Breaking and Entering in Nighttime and Petty Larceny

B Store NT -- Breaking into Store, Nighttime

BF -- Bail Forfeited

BF&E -- Bank Fraud and Embezzlement

BIND -- Breaking into Non-Dwelling

BL -- Bank Larceny

BLA -- Bills of Lading Act

Blkml -- Blackmail

B&L -- Burglary and Larceny

Blind Pig Raid -- Raid of a Disorderly House or a Red-Light District

BNIAD -- Burglary Not in a Dwelling

BNID -- Burglary Not in a Dwelling

B&P Business & Professional Code -- Drinking, Disorderly Conduct, Vagrancy, Dope, etc.

B of P -- Breach of Peace

BR -- Bank Robbery

Brby -- Bribery

BRCSP -- Buying, Receiving, Concealing Stolen Property

BS -- Suspicion of Breaking

BSL -- Blue Sky Laws

B&T -- Burglary & Theft

BT -- Bomb Threats

BW -- Bench Warrant

Capias A -- writ directing an officer to arrest the person named

C to D of M -- Contributing to Delinquency of a Minor

CAA -- Crime Aboard Aircraft

CAG -- Custody of Attorney General

CAID -- Criminal Activity in Drugs

Crnl Knldg -- Carnal Knowledge

CCDW -- Carrying Concealed Deadly Weapon

CCF -- Carrying Concealed Firearm

CD -- Careless Driving to Common Drunk

CDC -- Contributing to the Delinquency of a Child

CDTP -- Criminal Damage to Property

CDW -- Carrying a Dangerous Weapon

CGR -- Crime on Government Reservation

CHS -- Crime on High Seas

Child Deser -- Child Desertion

Child Neg -- Child Neglect

C&I -- Careless & Inattentive or Careless & Imprudent (driving)

CIR -- Crime on Indian Reservation

CKFM -- Carnal Knowledge of a Female Minor

COC -- Contempt of Court

Co Ct Mitt -- County Court Mittimus (see Mittimus)

COD -- Court's Order of Dismissal

COI -- Conflict of Interest

Comn Aslt -- Common Assault

Consp -- Conspiracy

Cont. for Sentence Continued for Sentence -- refers to a suspended action that can be initiated by the court at a later date should Subject be brought to court on a subsequent charge

Conc Evid -- Concealing Evidence

CPCS -- Criminal Possession of Controlled Substance

CPDD -- Criminal Possession of Dangerous Drugs

CPSP -- Criminal Possession of Stolen Property

CR -- Civil Rights

Cr to Ani -- Cruelty to Animals

Crim Neg -- Criminal Negligence

CRSP -- Criminally Receiving Stolen Property

CRV -- Conditional Release Violator

CSA -- Controlled Substance Act

CSCS -- Criminal Sale of Controlled Substance

Ctfg or Ctft -- Counterfeiting or Counterfeit

CU&PFC -- Criminally Uttering and Publishing False Check

CVA -- California Vehicle Act

CW -- Concealed Weapons

CWIK -- Cutting with Intent to Kill

D & D -- Drunk and Disorderly

DAA w/o OP -- Driving Away Auto without Owner's Permission

DAMV -- Destruction of Aircraft or Motor Vehicles

DC -- Disorderly Conduct

DCI -- Driving Car Intoxicated

DCI-D -- Driving Car Intoxicated-Drugs

DCI-L -- Driving Car Intoxicated-Liquor

DCMV -- Drunk in Control of Motor Vehicle

Deering Act CCW -- Carrying Concealed Weapon

Def Bldg -- Defacing Building

Dep Proc -- Deportation Proceedings

Deser -- Desertion or Deserter

DGP -- Destruction of Government Property

DH -- Disorderly House

DIP -- Drunk in Public

Dist Peace -- Disturbing the Peace

DOA -- Driving Off Automobile
DOF -- Desecration of the Flag
DP -- Disorderly Person
Dram Act -- Possession of Open Liquor Container in Vehicle
D&S -- Dangerous and Suspicious
DTP -- Disturbing the Peace
DUA -- Detained Under Arrest
DUC -- Driving Under Cancellation
DUI -- Driving Under the Influence
DW -- Dangerous Weapon
DWA -- Deadly Weapon Act
DWD-D -- Driving while Drunk-Drugs
DWI -- Driving While Intoxicated
DWLS -- Driving while License Suspended
DWP -- Dropped for Want of Prosecution
Dyer Act ITSMV -- Interstate Transportation of Stolen Motor Vehicle

EAR -- Escape and Rescue
ECT -- Extortionate Credit Transactions
EFP -- Escaped Federal Prisoner
EGP -- Embezzlement of Government Property
EID -- Explosives and Incendiary Devices
EL -- Election Laws
Entic Fem U Age -- Enticing Females Under Age

Ev -- Evasion or Evading

Evsdrrp -- Eavesdropping

Expos Per -- Exposing his Person

Ext -- Extortion

FAD ADW -- Flourishing a Dangerous and Deadly Weapon

FAG -- Fraud Against the Government

FIs Pol Ala -- False Police Alarm

FCC -- Falsely Claiming U.S. Citizenship

Fel H&R -- Felony - Hit and Run

Fel Warr -- Felony Warrant

FERIC -- False Entries in Records of Interstate Carriers

FFA -- Federal Firearms Act

FFJ -- Fugitive from Justice

FHIF -- Frequenting House of Ill Fame

FHVC -- Failure to Have a Vehicle Under Control

FJDA -- Federal Juvenile Delinquency Act

FL DW -- Flourishing Deadly Weapon

FOA -- Fugitive Other Authorities

Forc Ent -- Forcible Entry

Forg Dr Presc -- Forging Doctor's Prescription

FP -- False Pretenses

FR -- False Report

Frd -- Fraud or Fraudulent

FRLA -- Federal Regulation of Lobbying Act

Freq GJ -- Frequenting Gambling Joint

FTA -- Failure to Appear

F to P -- Failure to Provide

FSRA -- Failure to Stop and Render Aid

FUDE -- Fugitive Deserter

FUUSTC -- Forging and Uttering U.S. Treasury Check

FYCA -- Federal Youth Corrections Act

FYRA -- Failure to Yield Right of Way

GABM -- Giving Alcoholic Beverages to Minor

GLA -- Grand Larceny Auto

GP -- General Principles

GTA -- Grand Theft Auto

HA -- Hatch Act

Hab Drk -- Habitual Drunkard

Harb Crim -- Harboring Criminals

HB -- House Breaking

HNA -- Harrison Narcotic Act

H & N -- Harbor and Navigation Code

H & R -- Hit and Run

H & S -- Health & Safety Code

IGA -- Interstate Gambling Activities

IGB -- Illegal Gambling Business

IPAB -- Illegal Possession of Alcoholic Beverages

IPL -- Illegal Possession of Liquor

Ind Exp -- Indecent Exposure

Int Steal -- Intent to Steal

IOC -- Interception of Communications

Insuf Fds -- Insufficient Funds

IPGP -- Illegal Possession of Government Property

IRLL -- Internal Revenue Liquor Law

ISS -- Involuntary Servitude and Slavery

IT -- Interstate Theft

ITAR -- Interstate Transportation in Aid of Racketeering

ITOM -- Interstate Transportation of Obscene Matter

ITSMV -- Interstate Transportation of Stolen Motor Vehicle

ITSP -- Interstate Transportation of Stolen Property

ITWI -- Interstate Transmission of Wagering Information

IWC -- Issuing Worthless Check(s)

IWFC -- Interference with Flight Crew

IWU -- Illegal Wearing of Uniform

JC Mitt -- Juvenile Court Mittimus (warrant to put juvenile already convicted of crime in prison)

JD -- Juvenile Delinquency

JL B -- Jail Breaking

JW -- Judgment Withheld

KFO -- Killing Federal Officer

KHIF -- Keeping House of Ill Fame

Kid -- Kidnapping

KPO -- Killing Police Officer

KRA -- Kickback Racket Act

L -- Larceny

LIPIS -- Liquor in Possession with Intent to Sell

LL -- Liquor Law

L&L -- Lewd and Lascivious

LOE -- Lack of Evidence

LOP -- Lack of Prosecution

L&R -- Larceny and Receiving

LSA -- Leaving Scene of Accident

Lv acc w/o RN -- Leaving Accident Without Reporting Name

Main DH -- Maintaining Disorderly House

Mal A -- Malicious Assault

Mann Act -- Interstate Transportation of Minor Female for Immoral Purpose

Mans -- Manslaughter

Mat Wit -- Material Witness

MBA -- Migratory Bird Act

MDL -- Mutilating Driver's License

MF -- Mail Fraud

MIC -- Minor in Consumption

MIP -- Minor in Possession - Minimum fine

Misd -- Misdemeanor

Mittimus -- A warrant or writ for putting into prison a person convicted of a crime

Mkg fls affi -- Making False Affidavit

Mol -- Molesting

Mooning -- Indecent Exposure

MRV -- Mandatory Release Violator

Mur -- Murder

NARA -- Narcotics Addict Rehabilitation Act

NCTA -- National Cattle Theft Act

ne exeret republica Restraining Order -- not permitted to leave the state

Neg -- Neglect

NFA -- National Firearms Act

NMVTA -- National Motor Vehicle Theft Act

NSF -- Not Sufficient Funds

NSP -- National Stolen Property

NTPW -- Non-Tax Paid Whiskey

OAI -- Operating Auto Intoxicated

OAPA -- Operating Auto in Possession of Alcohol

OAWI -- Operating Auto While Intoxicated

Obs Lit -- Obscene Literature

OCI -- Obstruction of Criminal Investigations

OCO -- Obstruction of Court Orders

OGFP -- Obtaining Goods by False Pretense

OHIR -- Operating House of Ill Repute

OMFP -- Obtaining Money by False Pretense

OMVWI -- Operating Motor Vehicle While Intoxicated

OMVW/OOC -- Operating Motor Vehicle Without Owner's Consent

OOJ -- Obstruction of Justice

OPFP -- Obtaining Property Under False Pretense

ORID -- Occupying Room with Immoral Design

OVAR -- Operating Vehicle After Revocation

OVUI-D -- Operating Vehicle Under Influence of Drugs

OVWD -- Operating Vehicle While Drunk

Pa. 675-1 -- Drinking Under Age

Pand or Pandering -- Running House of Prostitution

Par Stands -- Parole Stands

Panh -- Panhandling

PBV -- Probation Violator

PC -- Penal Code

PED -- Peddling

PD -- Public Drunk

PI -- Public Intoxication

PIC -- Possessing Implement of Crime

PIE -- Presence in Illegal Establishment

PL -- Petty Larceny

PNG -- Plea Not Guilty

PNS -- Possession of Number Slips

Poss SG -- Possession of Stolen Goods

PP -- Pickpocket

Prob -- Probation

Proc -- Procuring

PT -- Petty Theft

PV -- Parole Violator

RA -- Armed Robbery or Registration Act

RBA -- Robbery by Assault

RD-BD -- Reckless Driving - had been drinking

REAP -- Reckless Endangering Another Person

Rec & Conc -- Receiving and Concealing

Replevin -- Order To Take Possession

Resorting -- Visiting a House of Prostitution

RICO -- Racketeer Influenced and Corrupt Organization

Robb F&V -- Robbery, Force and Violence

ROW -- Right of Way

RPM -- Released Pending Further Investigation

R&S -- Suspended Sentence & License Revoked

RSG -- Receiving Stolen Goods

RSP -- Receiving Stolen Property

SAR -- Strong Arm Robbery

SB -- Simple Battery

SB -- Sports Bribery

SFCAA -- State Firearms Control Assistance Act

SH -- Shooting

Shplftg -- Shoplifting

SKA -- Switchblade Knife Act

Skip BI -- Skipping Bail

SLIP -- Soliciting for Lewd and Immoral Purpose

SNL -- State Narcotic Law

Smith Act -- Sedition

Sol of Brby -- Solicitation of Bribery

SS -- Sentence Suspended

SSA -- Selective Service Act

StIn Prop -- Stolen Property

Sullivan Law CCW -- Carrying Concealed Weapon

SWWC -- Swindle with Worthless Checks

T -- Theft

TAWOP -- Taking Auto Without Owner's Permission

TBC -- Theft by Check

TFIS -- Theft from Interstate Shipment

TGP -- Theft of Government Property

Thrt -- Threat or Threatening

Tru -- Truancy

UCMJ -- Uniform Code of Military Justice

UDAA -- Unlawful Driving Away Auto

UFA -- Uniform Firearms Act

UFAC -- Unlawful Flight to Avoid Custody

UFAT -- Unlawful Flight to Avoid Testimony

UIBC -- Unlawful Issuance of Bank Checks

UMTD -- Using Mails to Defraud

UNA -- Uniform Narcotics Act

Unl Ent -- Unlawful Entry

Poss ND -- Unlawful Possession of Narcotic Drugs

U&P -- Uttering and Publishing

UPIP -- Uttering Profanity in Public

UPRF -- Unlawful Possession or Receipt of Firearms

UPUC -- Unauthorized Publication or Use of Communications

USC -- United States Code

USCC -- U.S. Criminal Code

UWC -- Uttering Worthless Check(s)

VAD -- Visiting A Dive

Vag -- Vagrancy

Vaga -- Vagabond

Vag WA -- Vagrancy (wandering about)

VANO -- Violation of Anti-Noise Ordinance

VC -- Vehicle Code

VCSDCA -- Violation Controlled Substance Drug Device and Cosmetic Act

Vio DDCA -- Violation Dangerous Drugs and Control Act

VIRL -- Violation of Internal Revenue Laws

VNG -- Verdict Not Guilty

VRA -- Voting Rights Act

Voyeurism -- Peeping Tom

VSNL-- Violation of State Narcotic Laws

VT -- Vehicle Theft

VTL-- Vehicle Theft Larceny

VTO-- Violation Traffic Ordinance

WCA -- Workmen's Compensation Act

Wilkin Act Firearms

W&I -- Willful & Incurable or (in California) Welfare & Institutional Code

WOP-- Without Prosecution

WPPDA -- Welfare and Pension Plans Disclosure Act

WSTA -- White Slave Traffic Act

WWRD -- Wrong Way Road