

Federal Security Clearances

214.1 PURPOSE AND SCOPE

Security clearance is a determination by the United States Government. Eligibility for access to classified information, commonly known as a security clearance, is granted only to those for whom an appropriate personnel security background investigation has been completed. It must be determined that the individual's personal and professional history indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and a willingness and ability to abide by regulations governing the use, handling, and protection of classified information. A determination of eligibility for access to such information is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Eligibility shall be granted only where facts and circumstances indicate access to classified information is clearly consistent with the national security interests of the United States. Access to classified information will be terminated when an individual no longer has need for access.

This policy recognizes federal security clearances are a necessary asset and tool for Department Members in specific job assignments. The security clearances allow the Department Members to interact more closely with federal and state officials and provides the Member with access to classified information. This policy will govern the issuance and retention of security clearances for Department Members.

214.2 TYPES OF SECURITY CLEARANCES

There are two primary security clearances a Department Member may apply for and obtain. They are:

1. Secret Clearance: Gives the Member access to information on a need-to-know basis which its unauthorized disclosure could cause **serious damage** to national security.
2. Top Secret Clearance: Gives the Member access to information on a need-to-know basis which its unauthorized disclosure could cause **exceptionally grave damage** to national security.

214.3 APPROVAL BY THE SHERIFF

All applicants, regardless of assignment, must receive approval from the Sheriff or his/her designee prior to being nominated for a security clearance. Supervisors of applicants shall submit a memo to the Commander of the Investigations Division who shall request approval nomination from the Sheriff. A copy of the approved memo shall be memorialized in the Department Member's personnel file.

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214.4 APPLICATION PROCEDURE

1. Upon nomination, the Department Member shall contact the Joint Terrorism Task Force (JTTF) Sergeant or the Orange County Intelligence Assessment Center (OCIAC) security liaison to receive a security clearance application.
2. Background Investigation
 - (a) The scope of the investigation varies with the level of the clearance being sought. It is designed to allow the United States Government to assess whether a candidate is sufficiently trustworthy to be granted access to classified information. Applicants must meet certain criteria relating to their honesty, character, integrity, reliability, judgment, mental health, and association with undesirable persons or foreign nationals.
3. Length of Time
 - (a) Completion of a thorough background investigation shall take approximately 45 days to 18 months.

214.5 SECURITY CLEARANCES ROSTER

1. The JTTF Sergeant shall maintain a roster of all Department Members who have FBI security clearances, and the OCIAC security liaison shall maintain a roster of all Department Members who have Department of Homeland Security (DHS) security clearances.
2. On a bi-annual basis, the sergeant and security liaison shall distribute a copy of the roster to OCSD Internal Affairs and to the Professional Standards Division (PSD) for cross-reference.
 - (a) When PSD receives separation paperwork from a Member who is listed as having a security clearance, PSD will notify the appropriate security liaison.

214.6 ACCESS TO CLASSIFIED INFORMATION

Access to classified information is restricted by law to particular groups of people with the necessary security clearance and a need to know. Based on public safety, the safety of Department Members and/or operational needs, it may be necessary to share classified information with Members of Department Command Staff who do not possess a security clearance. Prior to sharing classified information, the Department Member shall obtain permission to share the information through the JTTF or OCIAC chain of command.

214.7 SECURITY CLEARANCE DEACTIVATION

Department Members who transfer out of a unit requiring a security clearance will have their clearance deactivated unless approved by the Sheriff or his/her designee. The clearance can be reactivated if the Department Member is transferred back into a unit that requires a security clearance or if the Sheriff or his/her designee deems it necessary. Deactivation and reactivation will be coordinated and completed through the JTTF Sergeant or the OCIAC security liaison, depending on what type of security clearance the Member had/has obtained.

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214.8 REVOCATION OF SECURITY CLEARANCES

Security clearances may be revoked due to a number of factors. Federal agencies adhere to the Adjudication Guidelines which establish 13 potential justifications for denying or revoking federal security clearances.

If any allegation similar to those listed below is brought to the attention of the Department regarding a Department Member who possesses a security clearance, the Department shall notify the appropriate U.S. Government agency for further investigation.

1. **Allegiance to the United States:** Affiliating with or sympathizing with terrorists or overthrow of the government;
2. **Foreign Influence:** Association with foreign citizens or businesses that could lead to coercion;
3. **Foreign Preference:** Conflict of interest due to dual citizenship, service in a foreign military, or receiving benefits from another country;
4. **Outside Activities:** Involvement with any foreign individual or organization engaged in dissecting or disseminating material relating to U.S. defense, foreign affairs, intelligence, or protected technology;
5. **Criminal Conduct:** Conviction for a serious crime or multiple lesser offenses; allegations or admission of criminal activity;
6. **Security Violations:** Willful breaches, unauthorized or reckless disclosure of classified information;
7. **Misuse of Information Technology:** Unauthorized access (hacking), malicious coding, hindering access to systems, removing hardware or software, disabling security measures;
8. **Personal Conduct:** A wide spectrum, such as associating with known criminals, hindering a clearance investigation, giving false information, or reports from past employers or neighbors of unsavory behavior;
9. **Sexual Behavior:** Criminal acts, sex addiction or sexual activities that compromise the Member or show lack of judgment;
10. **Financial Considerations:** Unexplained wealth, heavy debts, gambling addiction or a pattern of being irresponsible with money and financial obligations;
11. **Alcohol Consumption:** Alcohol-related incidents, medical diagnosis of alcohol abuse, relapse after treatment;
12. **Drug Involvement:** Drug-related incidents, diagnosis of drug addiction, using drugs after rehabilitation;
13. **Psychological Conditions:** Failure to follow prescribed treatment for emotional, mental or personality disorders; a pattern of incidents or high-risk, aggressive or unstable behaviors.

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214.9 FOREIGN TRAVEL

1. Whenever a Member with a DHS security clearance travels outside the U.S., he or she must complete a DHS Notification of Foreign Travel Form (DHS 11043-1) and send it to the DHS Security Liaison at the OCIAC 30 days before he or she departs. The DHS Security Liaison shall forward the form to the DHS. If a security brief needs to occur before or after the foreign travel, the Member shall be notified by DHS or the DHS Security Liaison.
 - (a) The DHS Notification of Foreign Travel Form (DHS Form 11043-1) can be obtained from the DHS Security Liaison at the OCIAC.
2. Whenever a Member with an FBI security clearance travels outside the U.S., he or she must submit an FBI Report of Foreign Travel Form (FD-772) 30 days before departing.
 - (a) When the Member returns from his or her travel, they must submit an FBI Foreign Travel Debrief Form (FD-772b) within seven days of returning.
 - (b) If the Member had any "significant" foreign contact, he or she must submit an FBI Report of Foreign Contact Form (FD-981) within seven days of returning.
 - (c) All FBI forms can be obtained from the JTTF sergeant.

214.10 SEPARATION FROM THE DEPARTMENT

Prior to separating from the Department, a Member who possesses a security clearance shall arrange a debrief with the JTTF sergeant or OCIAC security liaison.