

**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing )  
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Filing Date: January 27, 2025 )  
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Case No.: PSH-25-0067

Issued: August 21, 2025

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**Administrative Judge Decision**

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Kristin L. Martin, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXXXXXX (hereinafter referred to as “the Individual”) for access authorization under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position.”<sup>1</sup> For the reasons set forth below, I conclude that the Individual’s security clearance should not be granted.

**I. BACKGROUND**

The Individual is employed by a DOE Contractor in a position which requires him to hold a security clearance. Derogatory information was discovered regarding the Individual’s criminal conduct which raised doubts about his ability to hold a security clearance. The Local Security Office (LSO) began the present administrative review proceeding by issuing a Notification Letter to the Individual informing him that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding his eligibility to hold a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual presented the testimony of three witnesses, in addition to his own. *See* Transcript of Hearing, OHA Case No. PSH-25-0067 (hereinafter cited as “Tr.”). The LSO submitted eight exhibits, marked as Exhibits 1 through 8 (hereinafter cited as “Ex.”). The Individual submitted eight exhibits, marked as Exhibits A and D through J.<sup>2</sup>

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<sup>1</sup> Under the regulations, “[a]ccess authorization’ means an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). Such authorization will also be referred to in this Decision as a security clearance.

<sup>2</sup> The Individual submitted Exhibits B and C which were the results of a polygraph test and the resume of the polygrapher, respectively. DOE counsel objected to the exhibits, and to the polygrapher’s being called as a witness,

## II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning his eligibility for a security clearance. That information pertains to Guideline J of the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, effective June 8, 2017 (Adjudicative Guidelines). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. 10 C.F.R. § 710.7.

Guideline J 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. Adjudicative Guidelines at ¶ 30. Conditions that could raise a security concern and may be disqualifying include:

- (a) A pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness;
- (b) Evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted;
- (c) Individual is currently on parole or probation;
- (d) Violation or revocation of parole or probation, or failure to complete a court-mandated rehabilitation program; and
- (e) Discharge or dismissal from the Armed Forces for reasons less than "Honorable."

*Id.* at ¶ 31.

The LSO alleges that the Individual has had many arrests, charges, and other law enforcement involvement from 1989 to 2021. These include:

- A. On April 5, 2021, the [police department] charged the Individual with Animal Weapon Discharge [sic]. In a letter of interrogatory (LOI) response signed on

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on the grounds that polygraphs have been shown to be unreliable and are generally not admissible in federal courts. See *United States v. Scheffer*, 523 U.S. 303, 311–12 (1998). See also *Personnel Security Hearing*, OHA Case No. PSH-18-0025 at 9 n.2 (2018). I sustained the objection and Exhibits B and C were not admitted into evidence. To the extent that the documents appear in the record as part of a larger filing, I have not read or considered them in rendering this decision.

September 3, 2024, he admitted that he shot a gun in the air to scare off dogs fighting in his yard (Ex. 5 at 31, 40).

- B. On December 7, 2018, the Individual was charged with No Proof of Insurance and No Registration [] (Ex. 5 at 31).
- C. On January 28, 2017, the Individual was charged with Expired Registration of a Motor Vehicle and No Insurance (Ex. 5 at 31).
- D. On January 27, 2017, the [police department] suspected the Individual of Shooting at or From a Motor Vehicle, Aggravated Battery, and Aggravated Assault after a drive-by shooting where a victim was shot in the head. On January 30, 2017, the Individual was interviewed by [law enforcement], and withheld information. Several occupants of the victim's vehicle identified the Individual as being involved (Ex. 5 at 31, 40).
- E. On August 29, 2016, the [police department] charged the Individual with Threats after a verbal dispute with the father of the Individual's grandson (Ex. 5 at 31, 40).
- F. On January 28, 2014, the [police department] charged the Individual with Speeding and Insurance Required (Ex. 5 at 31).

Ex. 1 at 5.<sup>3</sup> The Summary of Security Concerns also lists concerns G through SS. These occurred between 1989 and 2010 and include arrests and charges for Domestic Violence, Domestic Family Dispute, Disobedience to the Lawful Order, Failure to Appeal, Battery on a Household Member, Assault on a Household Member, Unlawful Use of a License, Resisting Arrest, Contempt of Court, Failure to Comply with Condition of Probation, Disorderly Conduct, Driving While Intoxicated, felony Driving Under the Influence, and Aggravated Assault-Police. *Id.* at 5–8. The list of Security Concerns G through SS is reproduced as Appendix A to this Decision.

In his response to the Summary of Security Concerns, the Individual admitted allegations B, C, and F through SS and gave the following response for allegations A, D, and E:

- A. I admit that on April 5, 2021, I discharged a gun into the air to scare off dogs that were fighting in my yard, however I was not charged with any offense from that incident.

...

- D. I admit that on January 27, 2017, the [police department] questioned me in connection with a case involving the Shooting at or From a Motor Vehicle, Aggravated Battery, and Aggravated Assault after a drive-by shooting where

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<sup>3</sup> DOE Exhibits will be referenced by the Bates stamp page number.

a victim was shot in the head. I deny that on January 30, 2017, I withheld information from the [police department].

- E. I deny that on August 29, 2016, the [police department] charged me with Threats after a verbal dispute with the father of my grandson.

Ex. 2 at 14–15.

The allegations to which the Individual admits are sufficient to demonstrate a concerning pattern of criminal activity going back decades. Furthermore, the Individual's responses to allegations A and E do not deny the criminal activity, just that the Individual was charged, which does not invalidate the security concerns raised by the activities themselves. The evidence cited by the LSO in raising allegation D is sufficient to justify raising a security concern under Guideline J. Accordingly, the LSO's security concerns under Guideline J are justified. Adjudicative Guidelines at ¶ 31(b).

### III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." Adjudicative Guidelines ¶ 2(a). The protection of the national security is the paramount consideration. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The Individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The Individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

### IV. FINDINGS OF FACT

#### A. Allegations A–C, E–F (Firearm discharge, traffic offenses, threats) and G–SS (2010 and prior)

The Individual testified that he used to have a serious alcohol problem and his criminal behavior through 2010 was related to alcohol use. Tr. at 81. While drinking, he would often be violent, and he had used heroin intravenously while under the influence of alcohol. *Id.* at 60, 63–65, 100–01. His 2010 criminal charge occurred because he had an interlock device in his car after a previous alcohol-related charge and did not have the required license for the device. *Id.* at 81–82. He testified at the hearing that he did not know he needed the license. *Id.* at 83. The Individual last consumed alcohol around 2008. *Id.* at 47, 81. He underwent a liver transplant in 2019 and now cannot physically tolerate alcohol consumption. *Id.* at 81, 121–22. The Individual’s son and daughter testified that they had never seen the Individual use alcohol or drugs and had never seen him threaten someone with a gun. *Id.* at 16–17, 31–32.

The Individual testified that he was not arrested for threats in 2016 or for discharging a firearm in 2021. Tr. at 86–88. In both cases, he testified, the police were called but did not arrest anyone. *Id.* at 87, 89. He submitted into evidence a police report showing that no arrests were made in the 2021 incident. Ex. A. The Individual and his wife both testified that in the 2016 incident, the Individual had been speaking to his grandchild’s father in a different language when a social worker misunderstood what he was saying, perceived it as a threat, and called the police. Tr. at 50–51, 88–89. The Individual testified that he had not made any threats and was simply telling his grandchild’s father to take care of the child. *Id.* at 89. The Individual admitted that in 2021 he did shoot a gun in the air, that this action had made the situation more dangerous, and that he should not have done it. *Id.* at 119–20. He testified that his and his neighbors’ dogs were fighting, he could not separate them, and he did not know what else to do. *Id.* at 120.

The Individual testified that for allegations B and C, he had insurance and his vehicle was registered, but he was nervous when he was stopped and could not find the documents to prove it. Tr. at 87. In those cases, and also for the case involved in allegation F, he testified that he brought the documents to court and the charges were dismissed. *Id.* at 87, 90.

### **B. Allegation D (2017 Drive-by shooting)**

The Individual testified that he did not commit the drive-by shooting in January 2017.<sup>4</sup> Tr. at 94, 97, 100. He testified that his family’s vehicle was fired upon when they went to get pizza that night and that he did not know the people who shot at them. *Id.* at 92, 109.

Police documents from January 2017 indicate that a drive-by shooting occurred and that witnesses from the victim’s vehicle identified the Individual’s son and a man matching the Individual’s physical description as having threatened them earlier in the day while driving a car that resembled one of the cars from which the victim was shot. Ex. 6 at 58–62. Multiple witnesses told police that the Individual’s son had threatened the victim earlier in the day. *Id.* at 55, 59. Two of the witnesses were shown a photo lineup and could not identify the Individual, but the pictures were four to six years old. *Id.* at 60. The Individual, his wife, and his son were interviewed by law enforcement and gave differing accounts of what happened that day. *Id.* at 56–58. Initially, the Individual’s son stated that he did not know the victim and witnesses, but he later admitted that he did know them

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<sup>4</sup> The Individual’s wife and son also testified that their car was fired upon and that the Individual did not shoot at anyone that night. Tr. at 28, 31, 43–44, 46.

through school and that they had been threatening him on the day of the shooting. *Id.* at 56. He told police that his family's vehicle had been shot at from a vehicle with two unidentified men in the front seats and four unidentified men in the back seat, all of whom had their faces covered with red bandanas. *Id.* The Individual told police that his family's vehicle had been shot at from a car with four men unidentified in it; he said the driver was wearing a red hat, but he did not describe any face masks or bandanas. *Id.* at 57. The Individual's wife told police that her son had identified the shooters to her and her husband and stated that he knew them. *Id.* at 58. The police report indicates that law enforcement called the Individual's wife and requested that she and the Individual return for further questioning. *Id.* at 57. The police report indicates that both the Individual and his wife refused to answer more questions. *Id.*

At the hearing, the Individual's family members gave different accounts of the events surrounding the shooting. The Individual's son testified that he knew the men in the car that had shot at them but only as acquaintances and that the men had been sending him threatening messages that day.<sup>5</sup> *Id.* at 32, 34–35. He did not testify to a motive for them to target him. While the Individual's wife and son testified that the Individual's youngest daughter had been in the car when they were fired upon, the daughter testified that she did not recall being with them during the incident and that no one told her about anything unusual happening when they returned to the family home. *Id.* at 14, 23, 27, 43. However, she later testified that her parents made her and her brother sleep in the living room the night of the incident, which was unusual. *Id.* at 14. The Individual testified that he did not call the police because he did not think they would take concrete measures to investigate the matter. *Id.* at 92–93, 121–22. However, he testified, he was scared for his family and made his children sleep in the living room—one of the rooms furthest from the road—because he was afraid their home would be shot at during the night. *Id.* at 121–22. The Individual testified that he “did wrong by not calling [the police].” *Id.* at 122. He further testified that he had not participated in any counseling or classes on decision-making skills since that time. *Id.* at 123.

## V. ANALYSIS

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government places a high degree of trust and confidence in individuals to whom it grants access authorization. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a commonsense manner. “Any doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security.” Adjudicative Guidelines at ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the

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<sup>5</sup> Though he did not testify to the names of the men, his reference to their threats to him earlier in the day indicates that the men referenced were the witnesses in the victim's car who had been interviewed by police. *See* Ex. 6 at 56. His testimony at the hearing made no mention of six men in the shooter's vehicle or bandanas or face masks.

strong presumption against granting or restoring security clearances, I must deny access authorization if I am not convinced that the LSO's security concerns have been mitigated such that granting the Individual's clearance is not an unacceptable risk to national security.

Conditions that could mitigate Guideline J security concerns include:

- (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 individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) No reliable evidence to support that the individual committed the offense; and
- (d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines at ¶ 32. None of the mitigating conditions apply. With regard to mitigating condition (b), the Individual did not contend that he was pressured or coerced into committing any of the criminal acts alleged by the LSO.

The most serious allegation by the LSO is the Individual's alleged involvement in a drive-by shooting. There is insufficient evidence to determine what really happened in January 2017. However, the witness accounts implicating the Individual and his son in the incident provide at least some evidence of his involvement. Considering that the Individual and his family gave conflicting accounts of the incident to law enforcement in 2017 and in the hearing in 2025, the Individual offered a dubious explanation for not reporting to law enforcement that someone had fired at his vehicle on the same day as the Individual's alleged participation in the drive-by shooting, and the Individual offered no explanation as to why the witnesses who identified him and his son to law enforcement might have been motivated to falsely implicate him in the incident, I have some basis to doubt the Individual's account of the incident. While it is unclear why law enforcement declined to charge the Individual—perhaps a lack of evidence, perhaps prosecutorial discretion—the standard for security clearances is more onerous than the standard for criminal convictions. *Any* doubt *must* be resolved in favor of the national security. I do not know whether the Individual participated in the drive-by shooting. However, I also do not know that he did not participate and I am required to resolve this doubt in favor of the national security. Given the serious nature of the allegation, I find that it continues to cast significant doubt on the Individual's judgment, trustworthiness, and reliability. *See* 10 C.F.R. § 710.7(c) (requiring consideration of the "nature, extent, and seriousness of the conduct" in applying the Adjudicative Guidelines). Furthermore, with respect to the Individual's denial that he threatened his grandson's father in 2016, there is not sufficient corroborating evidence, such as an affidavit from the alleged

threatened party, to satisfy his burden. Accordingly, I find that the Individual has not brought forth sufficient evidence for me to find mitigating condition (c) applicable to the facts of this case.

The Individual has a long history of criminal conduct spanning over more than thirty years. While his rate of offending has slowed in recent years, it has not stopped. Even in some of the instances when charges were not filed or were dismissed, he admits to unlawful conduct—discharging a firearm in a reckless manner and driving without proof of insurance or registration. I cannot find that the passage of time, the infrequency of the behavior, or the circumstances under which it occurred mitigate the Guideline J concerns, and thus mitigating condition (a) does not apply.

The Individual admits to poor decision-making in serious situations, such as his decision not to call police to report being shot at and his decision to use a gun to break up a dog fight. He has not taken concrete steps to improve his decision-making since then. Because the Individual has continued to engage in criminal behavior even after making significant reforms in his life, in particular abstaining from alcohol, his behavior casts doubt on his current ability to follow laws and rules, and I cannot find that there has been a significant passage of time without recurrence of criminal activity. While he has engaged in job training and maintained his employment for several years, these actions are not mutually exclusive of criminal activity. They are not enough, in this instance, to overcome the Individual's ongoing issues with judgment, decision-making, and criminal behavior. The Individual did not bring forth evidence to establish that he met any other bases for rehabilitation specified in the fourth mitigating condition. Accordingly, I cannot find that he is rehabilitated. Mitigating condition (d) does not apply.

## **VI. CONCLUSION**

Upon consideration of the entire record in this case, I find that there is evidence that raises concerns regarding the Individual's eligibility for access authorization under Guideline J of the Adjudicative Guidelines. I further find that the Individual has not succeeded in fully resolving those concerns. Therefore, I cannot conclude that granting DOE access authorization to the Individual "will not endanger the common defense and security and is clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should not grant access authorization to the Individual.



This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Kristin L. Martin  
Administrative Judge  
Office of Hearings and Appeals

Attachment

**Appendix A**

The list of allegations in the Summary of Security Concerns is reproduced here in its entirety with internal citations replaced with citations to the record in this case.

- G. On April 5, 2021, the [police department] charged the Individual with Animal Weapon Discharge [sic]. In a letter of interrogatory (LOI) response signed on September 3, 2024, he admitted that he shot a gun in the air to scare off dogs fighting in his yard (Ex. 5 at 31, 40).
- H. On December 7, 2018, the Individual was charged with No Proof of Insurance and No Registration [] (Ex. 5 at 31).
- I. On January 28, 2017, the Individual was charged with Expired Registration of a Motor Vehicle and No Insurance (Ex. 5 at 31).
- J. On January 27, 2017, the [police department] suspected the Individual of Shooting at or From a Motor Vehicle, Aggravated Battery, and Aggravated Assault after a drive-by shooting where a victim was shot in the head. On January 30, 2017, the Individual was interviewed by [law enforcement], and withheld information. Several occupants of the victim's vehicle identified the Individual as being involved (Ex. 5 at 31, 40).
- K. On August 29, 2016, the [police department] charged the Individual with Threats after a verbal dispute with the father of the Individual's grandson (Ex. 5 at 31, 40).
- L. On January 28, 2014, the [police department] charged the Individual with Speeding and Insurance Required (Ex. 5 at 31).
- M. On March 5, 2010, the [police department] charged the Individual with Unlawful Use of a License, Mandatory Financial Responsibility, Display of Current Valid [sic], and Failure to Pay Comply/Warrant. He was found guilty of Unlawful Use of a License, Mandatory Financial Responsibility, and Display of Current Valid and fined \$387.00 (Ex. 5 at 31).
- N. On August 18, 2007, the [police department] charged the Individual with Disobedience to the Lawful [sic]. In a LOI response signed on September 3, 2024, the Individual indicated he had to attend [] court due to his drinking and actions while drinking (Ex. 5 at 31).
- O. In July 2007, the Individual was arrested and charged with DUI, Open Container, Disobedience Lawful [sic], and Contributing to the Delinquency of a Minor (Ex. 5 at 31).
- P. On June 30, 2007, the [police department] charged the Individual with Disobedience to the Lawful [sic] (Ex. 5 at 32).

- Q. On July 27, 2006, the [police department] arrested and charged the Individual with Assault & Battery and Disorderly Conduct (Ex. 5 at 32).
- R. On February 23, 2006, the [police department] charged the Individual with Domestic Family Dispute (Ex. 5 at 32).
- S. On December 10, 2005, the [police department] arrested and charged the Individual with Domestic Violence, Resisting Arrest, and Disorderly Conduct (Ex. 5 at 32). [LOI 09/03/2024, pg. 2; IRR 05/20/2024, Item 024 &031]
- T. On November 16, 2005, the [police department] arrested and charged the Individual with Domestic Violence, Resisting Arrest, and Disorderly Conduct (Ex. 5 at 32).
- U. On May 17, 2005, the [police department] charged the Individual with Municipal Warrant [sic] (Ex. 5 at 32).
- V. On May 8, 2005, the [police department] arrested and charged the Individual with Domestic Violence (Ex. 5 at 32).
- W. On August 16, 2004, the [police department] charged the Individual with Domestic Family Dispute (Ex. 5 at 32).
- X. On August 14, 2004, the [police department] arrested and charged the Individual with Domestic Violence, Disobedience to Lawful Order, and Domestic/Family Dispute (Ex. 5 at 32).
- Y. On August 13, 2004, the [police department] charged the Individual with Unlawful Use of a License (Ex. 5 at 32).
- Z. On August 9, 2004, the [police department] charged the Individual with Contempt of Court (Ex. 5 at 32).
- AA. On August 4, 2004, the [police department] charged the Individual with Driver's License Violation (Ex. 5 at 32).
- BB. On June 7, 2004, the [police department] arrested and charged the Individual with three warrants for Failure to Appear, Battery on a Household Member, and Assault on a Household Member (Ex. 5 at 33).
- CC. On May 19, 2004, the [police department] charged the Individual with Municipal Warrant (Ex. 5 at 32).
- DD. On March 30, 2004, the [police department] charged the Individual with Unlawful Use of a License (Ex. 5 at 33).
- EE. On February 29, 2004, the [police department] charged the Individual with Suspended/Revoked License (Ex. 5 at 33).

- FF. On February 17, 2004, the [police department] charged the Individual with Unlawful Use of a License and two counts of contempt of court. He was found guilty and sentenced to seven days in jail and fined \$584.00 (Ex. 5 at 33).
- GG. On November 4, 2003, the [police department] arrested and charged the Individual with two Warrants for Failure to Comply with Condition of Probation (concealing identity and escape) (Ex. 5 at 33).
- HH. On September 2, 2003, the [police department] arrested and charged the Individual with a Warrant for a Probation Violation, original charge Battery on Household Member (Ex. 5 at 33).
- II. On May 17, 2003, the [police department] arrested and charged the Individual with Assault Against a Household Member and Battery Against a Household Member, Disorderly Conduct, and Child Abuse. On October 28, 2003, he pled guilty and served 19 days in jail in lieu of the fine (Ex. 5 at 33).
- JJ. On April 29, 2003, the [police department] charged the Individual with Warrants (four) (Ex. 5 at 33).
- KK. On March 5, 2003, the [police department] charged the Individual with Battery on a Household Member and Resisting/Evading/Obstructing an Officer (Ex. 5 at 33).
- LL. On February 4, 2003, the Individual was arrested and charged with Battery Against a Household Member and Resisting/Evading/Obstructing an Officer. On June 24, 2003, he was sentenced to four days in jail and fined \$182 (Ex. 5 at 33).
- MM. On April 23, 2002, the [police department] charged the Individual with Disobedience to Lawful Order (Ex. 5 at 33).
- NN. On December 29, 2001, the [police department] arrested and charged the Individual with a Warrant for Failure to Comply with Conditions of Probation (Ex. 5 at 33).
- OO. On December 28, 2001, the Individual was arrested and charged with Battery Against a Household Member, Resisting/Evading/Obstructing an Officer, and Assault (Ex. 5 at 34).
- PP. On August 15, 2001, the [police department] arrested and charged the Individual with Domestic Violence, Disorderly Conduct, Disobedience to Lawful Order, and Aggravated Assault on a Police Officer. The Individual was found in his bedroom and denied striking his wife. While being arrested, the Individual spit on the police chief stating he was going back to prison because he was going to kill the police chief. On August 17, 2001, the Individual was found guilty in [] court (Ex. 5 at 34).

- QQ. On March 19, 2001, the [police department], arrested and charged the Individual with Domestic Violence (Ex. 5 at 34).
- RR. On January 5, 2001, the [police department] arrested and charged the Individual with Domestic Violence, Assault & Battery, Resisting/Interfering with Police, Arrest Warrant, Disorderly Conduct, and Criminal Mischief (Ex. 5 at 34).
- SS. On January 1, 2001, the [police department] arrested and charged the Individual with DUI and Driving on Suspension (Ex. 5 at 34).
- TT. On March 11, 2000, the Individual was arrested and charged with DUI, Concealing Identity, and Forging (felony). On March 21, 2001, he was found guilty of DUI and sentenced to 18 months in jail with 12 months suspended, and a year of probation. A probation violation was filed on November 19, 2001. The Individual was arrested on August 15, 2001, for domestic violence after drinking alcohol and fighting his wife. On May 21, 2002, a probation violation was filed because the Individual did not contact his probation officer and did not complete court-ordered treatment (Ex. 5 at 34).
- UU. On August 4, 1999, the [police department] arrested and charged the Individual with Aggravated Assault Police and Disorderly Conduct (Ex. 5 at 34).
- VV. On March 9, 1999, the [police department] arrested and charged the Individual with DUI, Revoked Driver's License, and Careless Driving (Ex. 5 at 34).
- WW. On May 5, 1997, the [police department], arrested and charged the Individual with Assault and Disorderly Conduct (Ex. 5 at 34).
- XX. On January 4, 1997, the [police department], arrested and charge the Individual with DWI. He was found guilty and sentenced to 30 days and fined \$164 (Ex. 5 at 34).
- YY. On March 16, 1989, the [police department], arrested and charged the Individual with DWI, Reckless Driving, No Insurance, Disorderly Conduct, and No Driver's License (Ex. 5 at 34).

Ex. 1 at 5–8.