

YOUR GUIDE TO BACKGROUND CHECKS

Criminal History Overview

The Source:

There are two ways to conduct criminal searches. One is retrieving records through official means, live criminal research and the other is using a database.

To better understand the risk involved with trusting your hiring decision to a database, one must be aware of how criminal records are created and filed. There are more than 3,300 counties in the United States that maintain felony and misdemeanor records for crimes against their respective states.

In addition, there are 92 federal districts nationwide that house criminal records of crimes against the U.S. government. Each of these entities independently files their criminal records and invites the public, including employment screening companies, to review and disseminate in accordance with various state and federal laws.

Misdemeanors should always be searched as well as felonies. Each state classifies their own records. For example, a misdemeanor in Orange County, California, is a felony in Clark County, Nevada.

County Criminal History Records

- A search of criminal records at the county level
- Often requires a search of two courts, county for felony offenses and municipal for misdemeanor offenses
- Records lesser in severity than a misdemeanor are not regularly available and/or reported

Search Recommendations

- Should be researched for both felony and misdemeanor convictions and pending cases within a given county for a minimum period of seven years
- For the most accurate information, records should be obtained directly from the county court house record terminals
- Some courts have created their public record systems allowing access via a secure website. Such sites are not to be confused with databases

State Criminal History Records

- A search of the compilation of criminal records for counties within a particular state
- Search can be either from a state mandated repository or a supplier created/provided database
- 27 states have regulated processes enabling a repository
- Not all state searches are well maintained
- Other states have unregulated processes or poorly maintained systems
- Some have no system at all
- Records lesser in severity than a misdemeanor are not regularly available and/or reported

Criminal History Overview

Federal Criminal History Records

- This search is conducted on a state level.
- This service rarely provides identifiers other than name
- Obtained via automated system compiling all states with the exception of three, which have a state specific system

Examples of Criminal Offenses tried on the Federal level:

- Failure to register as a Sex Offender
- Possession and/or distribution of Child Pornography
- Bank Robbery
- Crimes covering more than one state such as Drug Trafficking

Database Searches

- Databases are created and maintained by private background check companies
- Databases are only as good as the data provided to them
- Databases only contain criminal history of individuals that the background company has previously searched*
- Most database records are not updated after a deferred adjudication and/or diversion period ends, which means you receive information that you can not use
- Most databases do not contain convictions with multiple identifiers, which means you have to sort through the information to determine if the convictions belong to your applicant

* Some companies do purchase disks from the courthouses to upload onto their database. These disks are not produced daily.