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Criminal History Searches and the Difference Between Checks and Investigations

There is a peculiar and somewhat pervasive belief in the field of human resources that someplace out there exists an accurate and complete list of names of every person who was ever convicted of a crime. Well, it just isn't so.

The truth is, there is no single nationwide database of criminal convictions in existence. Any company suggesting that there is such a database simply isn't telling the truth. Northeast Claim Service emphasizes best practices in all background checks. The nationwide search is excellent for filling in the gaps but is not recommended as a standalone search. Northeast Claim Service will provide a description and coverage summary for the nationwide criminal search for each state upon request. For the most complete search we suggest the nationwide criminal check combined with our hands-on county checks or a statewide non-instant search when available. This approach offers another layer of coverage, but is not 100%. The truth of the matter is that very few state repositories are accurate or up to date. Why? Because the information on convictions comes, typically, from the court clerk's office. In some states, law enforcement agencies have to specifically request that conviction records be sent to the state repositories. Even at that, only the more serious felony convictions are submitted. Less serious offenses like fraud and battery are seldom, if ever, reported. Even when a request is made, busy clerks may or may not get around to sending the information in a timely manner.

Can a nationwide criminal court check be done? Technically, the answer is "yes," assuming you're willing to check every courthouse in every county in all 50 states. And those are just the circuit court records. Most larger communities have city or municipal courts. Many states also have a county court system, in addition to circuit courts. Notice that we haven't even mentioned the federal court system yet! In this example, we've also limited our court records check to just felony convictions. No allowance has been made for separating felony convictions from misdemeanors. Most courts also have civil jurisdiction where the records are entirely separate. So, as can be seen, the court systems in the United States are complex, totally independent of each other, and varied in terms of methods of record keeping all the way from hand-written entries to computers. Furthermore, few, if any of these multilayered court systems, share conviction records with anybody else.

Some states do have repositories, which are supposed to contain the records of convictions from every county in that state. Beyond the state repositories, there is no requirement for any court to report conviction information to any state or federal agency. There is the NCIC (National Crime Information Center) in Washington, which collects

information on arrests and convictions. But access to their files is limited essentially to law enforcement agencies and a few other institutions, such as banks, which by law have been given access to the information. The average employer does not have access to NCIC information. No central, up-to-date location exists that provides the average employer with conviction records. A nationwide court check can be done, but it is nationwide only in a very localized sense. The county level search will contact a county clerk in any county one at a time, to check a candidate's criminal history. But that raises a myriad of other questions. How many counties do you check? How many years do you want to cover? Which court systems circuit, county or municipal, do you want to check? What about neighboring counties? A candidate could be a saint in his county of residence and have a conviction record a mile long in the next county over, but you'd never know it unless you check there also. Do you just conduct the check in the current county of residence, or do you check all the contiguous counties, or all former counties of residence? The list of questions goes on and on.

Why do a criminal record check at all? There are legitimate reasons: 1) because the nature of the position for which the candidate is being considered requires it, or 2) because there is some doubt or suspicion about the candidate's background. There is a third reason why many companies insist on doing a criminal record check. By doing so they believe it demonstrates that some measure of care was exercised in the employment process that will protect them from possible claims of negligent hiring. Conducting a pre-employment criminal record search, in other words, is a way they believe covers the company's backside in case a charge of negligent hiring is brought against them. Companies interested in more than "backside covering" should be utilizing a variety of the searches we offer in addition to criminal searches. Criminal court checks alone is not considered a best practice.

Even though our user based web site searches are a wonderful tool, it is not a replacement for a due-diligence background investigation. The experience of a trained investigator who conducts an investigation into the background of an individual extends beyond data or record searches. For example, beyond the scope of a search or verification, an investigator would conduct complete reference checks in order to evaluate past job performance as it relates to the requirements of the position to be filled. They should be talking to work-related references that are familiar with the candidate's job performance over time. What, after all can a record check or employment verification tell a prospective employer about a candidate's management style or ability to work effectively with others?

Northeast Claim Service offers a user based background check service for an economic cost. The background check should never be considered as extensive or as complete as a background investigation. Northeast Claim Service has the ability to offer the client both, making us unique and a valuable asset for our clients.