

Online Criminal Record Searches – A False Sense of Security©

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You see the commercials on television all the time. You cannot open a browser without some company trying to protect your child by selling background search services to you. Find a lost love. Know whom you are dating or who is watching your children. Be protected by typing in your credit card number for a subscription service that will automatically renew and charge your credit card again. Do not get me wrong, properly vetting some of the people in your life is important. You need to protect your children, the seniors in your life and your assets.

I hear the same statement all the time, “I checked him or her out on this or that service and he or she came back with nothing.” Then, after they have been victimized, I do professional research and find that the individual has a history of the behavior being complained about...not always, but often. Let us take a look at “backgrounding,” more commonly referred to in my world as “running” someone.

The scope of a “background check” differs depending on the application and the budget of the requestor. Online companies that offer these services use very general terms, which give the requestor a **false sense of security**. A prime example of this is the use of the terms, “nationwide” and “statewide” and come-ons such as “find out everything” about the person you are researching. There are no comprehensive nationwide or statewide search products. While there are deficiencies in all of the offered data (liens, judgments, assets, etc.), this article focuses on criminal histories.

Of criminal records, felony convictions are most commonly reported. Most often *not reported* in these online searches are misdemeanor convictions which include domestic violence and child victimization as well as petty theft, disorderly conduct, public drunkenness, curfew violations, loitering, prostitution-related offenses, driving under the influence, driving with a suspended license, resisting arrest, minor assault, under-age possession of alcohol, and minor controlled substance and paraphernalia offenses, a partial list. The National Center for State Courts estimates that the total number of misdemeanor prosecutions in 2006 was about 10.5 million, which amounts to 3.5 percent of the American population. (National Center for State Courts, 2007 Criminal Caseloads Report).

USSearch.com, one of the more popular online search companies, is such an offender. As a professional researcher who has spent three decades in the public records business, I know how to perform the inquiry and then read and interpret these online reports. Occasionally, I even use USSearch.com and other online resources as tools in my toolbox. Just like a tool in your garage, it has no value if you do not know how to use it. The problem, however, is that you are not fixing the lawn mower. You are researching an individual to protect yourself, your loved ones and your assets. This online search company (frankly, they are all the same) touts a service that will give you, at best, a **false sense of security**.

US Search's People Search and Background Check reports are the quickest and easiest way to find the person you're looking for and to **confirm your trust**. We help millions of people find lost loved ones, old classmates...anyone! **Looking for more information about a potential date who you've met online or perhaps thinking of going into business with?** US Search's Background Check includes state criminal records and **nationwide** criminal records, as well as address history, bankruptcies, tax liens, marriage records, and home valuation records.

It is important to have some understanding of the criminal justice system. An estimated 31% of all persons convicted of a felony in state courts were NOT sentenced to a period of confinement. In 2006, the likelihood of receiving a state prison sentence was only 37% for persons convicted of one felony. Felonies are widely defined as crimes with the potential of being punished by more than 1 year in prison. (*Felony Sentences in State Courts, 2006–Statistical Tables*, National Judicial Reporting Program, U.S. Dept. of Justice, Bureau of Justice Statistics, Dec. 2009). Of the 3.1 million household burglaries in 2009, 65.1% of the perpetrators were *not* strangers. (*Victimization During Household Burglary*, National Crime Victimization Survey, U.S. Dept. of Justice, Bureau of Justice Statistics, Sep. 2010).

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Crime reporting on the state and federal level is highly disconnected. We think that the FBI has the resources to know everything about all criminals. This is hardly the case. It is common for federal and state agencies or intra-state agencies to be incapable of matching criminals. One case I consulted on was a breaking and entering where the primary suspect had felony convictions in an adjacent county. Though the felon was convicted for the earlier crime, that county never took his fingerprints. Without the fingerprints, the local law enforcement agency handling the B&E refused to interview the suspect. To date, the FBI has certified 26 state programs for National Incident Based Reporting System participation. Twelve state programs are in the various stages of testing NIBRS. Eight other state agencies are in various stages of planning and development. (www.fbi.gov/ucr/faqs.htm).

It is also important to have a framework of the scope of record keeping in the United States. Records are kept in what I estimate to be over 50,000 locations. In addition to federal record locations, there are 3068 counties and 19,429 municipal governments in the United States. One can never know everything without going through great expense. The fact that records are lost in fires, floods and data destruction (intended and unintended) add to the difficulty of record procurement. Record retention policies differ in every jurisdiction. Freedom of Information Act (FOIA) requests are often necessary for the release of records. Lazy clerks say “no,” hoping the researcher will just go away. My feet stay planted.

Many home health aides, assisted living and nursing home employees are recent immigrants. There is no reliable way to background these people. If their agency has claimed that these agents have passed background checks, ask them to describe the background check and the methodology. If they want to put one of their agents in your home, you are entitled to ask them to show you the report with the name of the data provider. If they are unwilling to prove that this person has been backgrounded, then move on.

The U.S. Equal Employment Opportunity Commission policy states, “An arrest record may be used as evidence of conduct upon which an employer makes an employment decision. An employer may deny employment opportunities to people based on any prior conduct which indicates that they would be unfit for the position in question, whether that conduct is evidenced by an arrest, conviction or other information provided to the employer. It is the conduct, not the arrest per se, which the employer may consider in relation to the position being sought.” (EEOC Policy Statement, N-915.061, II.B.2., September 7, 1990)

An analysis of the website for USSearch.com shows how incomplete the data is that their customers rely on to protect loved ones, homes and businesses. Incomplete data in the hands of amateur sleuths yields ineffective and often very problematic results. There is very little difference from one online company to another as they all buy the same data from other companies or the jurisdictions. Here are some important highlights from the USSearch.com website:

- ◆ **Criminal records of 14 states are entirely unavailable.**
- ◆ Criminal records of 22 states and the District of Columbia are only from state Department of Corrections records. These are only records of felons sentenced to prison confinement, but does not include every incarceration at every institution, nor arrests and misdemeanor convictions.
- ◆ Only 15 states report data in addition to Department of Corrections information. Of these states, there is no uniformity in reporting. Some states only report information as far back as 1998, others further. Some states report arrest data and others report convictions. Some states include traffic infractions in the criminal file. Some states expunge records and others do not. Only 12 of California’s 58 counties report criminal data. Record updates are completed monthly, quarterly, semi-annually and, in the District of Columbia which stopped reporting in 2002, never.

To protect your loved ones and your assets or figuring out the details of who is victimizing you, simply giving a company your credit card and reading a report does not offer the protection and knowledge you need. If the report comes back with a positive result such as a criminal record, a professional still must verify the data. In this area, police departments do not have the resources or authority to help you. Knowledge is your friend! A knowledgeable friend on your side is just a phone call or email away.

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