



Background Checks FAQ

This document is designed as a quick reference guide, not as legal advice.

Who should have a background check?

All applicants, volunteers, and employees should have a background check to ensure you are making a sound hiring decision. Background checks assist in protecting your employees and customers, preserving your organization's reputation, curbing negligent hiring lawsuits, validating the information provided by the applicant/employee, and defending your organization against theft and fraud. The services performed on the background check are dependent upon the person's roles and responsibilities. Individuals that have responsibilities that include money, building/office keys, drivers, and/or supervision of children, youth, and vulnerable adults need to have in-depth background checks performed to ensure your organization's safety and longevity.

Is there such thing as a "perfect" criminal records search?

Unfortunately, no. Criminal records can be incomplete or inaccurate for a variety of reasons. Here are a few examples of why:

- An offender can have their record(s) expunged
- Recorded information and data are entered and updated by humans, thus there is margin for human error
- False positives occur due to identity theft, spelling errors, name changes, common names, and so on

Isn't there a complete, national background search?

No. The most comprehensive "national" searches are often referred to as "national database searches," "name-based searches," or "multi-state searches." The jurisdictions and courts included in these searches will vary from provider to provider, so be sure to ask your provider for their jurisdiction coverage or source list. Regardless of the database searched, there will be gaps in coverage as no database contains criminal records from every county and state.

How do I fill in the gaps in reporting?

SecureSearch™ recommends one of our Multi-State services be performed on everyone who works or volunteers for your organization as it searches our proprietary database for criminal records and provides us with address history. With address history SecureSearch™ can, at no charge and with your permission, review the person's residential history and order any of the services below:

- **County Courthouse searches:** Manual search of court records at the jurisdiction. Each name requires a separate search, i.e.: Alias and Maiden name.
- **Statewide Criminal Repository:** Not all states available. Sources for this information vary from state to state. Each name requires a separate search, i.e.: Alias and Maiden name.
- **National Federal Courthouse search:** Searches all Federal Courts nationally. Each name requires a separate search, i.e.: Alias and Maiden name.

For more information contact one of our knowledgeable staff members.

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Where do sex offense records originate?

Arrest and conviction records originate at the local county level and each state must maintain a registry of sex offenders in accordance with Megan's Law and other State and Federal laws. Sex offenders must register with the state where they live. When a sex offender moves, he/she must register their sex offender status with their new state of residence. 30% of sex offenders are absconders (i.e. they do not register in accordance with law). Their sex offenses are still recorded in the state's sex offender registry, but their location will not be accurate. Some sex offenders are in the sex offender registry for life. Not all Sex Offenders are pedophiles, but all pedophiles are sex offenders.

What should I do about other known names (i.e. maiden, previous married, nicknames, aliases)?

As criminal searches are primarily based on Name and Date of Birth it is imperative to search the person's current and prior names to achieve due diligence. SecureSearch™ offers a Multi-State Alias service that will automatically search for criminal and sex offender records of all names that are returned via the SSN Trace that is included in the Multi-State results. Please consult with one of our knowledgeable staff members regarding the Multi-State Alias service for more information.

What are Federal crimes and how can I get them?

Federal crimes (i.e. crimes against the federal government, crimes on federal land, or crimes like racketeering, securities fraud, sex trafficking, drug trafficking, or embezzlement) are not included in local court records or online database searches. A Federal Criminal Records Search of U.S. Courts should be conducted to search for these crimes. SecureSearch™ offers a Federal National Criminal search that searches all 94 federal court districts to ensure you are up to date and aware of Federal convictions your applicant has.

How often should I conduct background checks?

Many organizations perform background checks upon initial employment and again if the person is promoted to a position that has a higher security clearance or level of responsibility. There are also many types of organizations like health care, childcare, education, and public transportation that have legal mandates that require them to perform background checks on a regular basis. SecureSearch™ recommends performing background checks at least on an annual basis to ensure you become aware of any new information that could hinder their employment or volunteer status with your organization. The initial background check and the frequency of rescreening needs to be detailed in your organization's legal documentation.

What about Social Media screening?

A 2018 HR.com report, sponsored by National Association of Professional Background Screeners (NAPBS), showed that 73 percent of employers are not screening social media in their background checks as it is very controversial. On the one hand, it would be hard to defend an organization that did not avail itself of free and publicly available information that might have prevented a hiring disaster. On the other hand, employers doing Social Media screening must recognize the limitations and rise in discrimination claims. Read more about this report [here](#). Currently SecureSearch™ does not perform Social Media screening.

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Are fingerprinting searches accurate?

Fingerprint-based searches are a useful tool, however they do not provide a comprehensive criminal history and should not be solely relied upon to obtain completed and current information. In fact, a 2015 Government Accountability Office (GAO) Report found significant gaps in the FBI database as many state and local jurisdictions fail to report arrest records or a court disposition to the FBI. According to former Attorney General Eric Holder, the purpose of the FBI database is to aid law enforcement during investigations and “was not designed to be used to determine whether or not someone is eligible for a work opportunity.” Using an applicant’s personal identifiers, and depending on the client’s needs, a background check should include a search of criminal history information utilizing a combination of both databases and primary source data (such as county, state and federal repositories). Databases can be used to cast a wide net which identifies jurisdictions where records may exist and therefore should be verified directly at the jurisdictional level. Read more about this report [here](#).

What about Juveniles?

Although some juveniles who are registered sex offenders *may not* appear in a sex offender registry search, many experts advise running the same criminal records search on minors as legal adults. Most juvenile records have been sealed by the courts. When running a criminal records search on a juvenile the results may return as “Sealed by court” or “No offenses found.” However, records for juveniles tried as adults can be reported. It is a good practice to perform the same background checks on juveniles as you do for adults for due diligence and consistency. It is the paper trail of your process that is key.

Call us if you have questions about coverage or which services would be best for your organization.
We are happy to customize a package that fits your needs and budget!

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