

Criminal background checks incomplete

How convicted felons can slip through safety net



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Is there a felon in the next cubicle? What about in your child's afterschool athletic league?

Employers and volunteer organizations are increasingly turning to national commercial database searches provided by private firms to ferret out potential convicts from their ranks. The searches are quick, inexpensive, and promise nationwide coverage -- in theory, preventing convicted felons from moving away from a checkered past.

But experts say the nationwide tallies are often full of holes, and contain as few as 70 percent of all felony conviction records, leading in turn to a false sense of security.

Spotty participation by the nation's 3,100 county courts, along with a hodgepodge of data formats, make national crime databases vastly incomplete, said Rhonda Taylor, CEO of Intellisense Corp., a Bothell, Wash.-based boutique background check firm.

"We've done tests, and the national databases have a 41 percent error rate," she said. "(There is) a glaring issue related to a false sense of security if that information is relied upon with no other investigative tools."

Such national repositories of private information took center stage earlier this year when ChoicePoint Inc. [announced in February](#) that thieves had stolen personal dossiers on 145,000 U.S. citizens. A string of high-profile data thefts followed -- including [the announcement this week](#) that thieves took personal information belonging to 310,000 people from LexisNexis -- and so did a series of public outcries and congressional inquiries.

Those inquiries continue this week, with Sen. Arlen Specter, R-Pa., hosting a Senate Judiciary hearing Wednesday on "Securing Electronic Personal Data: Striking a Balance Between Privacy and Commercial and Governmental Use."

Striking that balance is most important, and perhaps most challenging, in the complex arena of criminal background checks and volunteer organizations. Keeping convicted predators and other felons away from children, while maintaining some standards of fairness, is a much harder task than need be, according to industry experts.

Inexpensive, but incomplete

ChoicePoint is one of a handful of firms selling inexpensive national crime database search tools marketed to volunteer organizations. Its VolunteerSelect.com service is one of the more popular ones; the firm says it's executed about 1 million searches since the site launched in 2002. The results are nearly instantaneous, and at about \$2.50 per check, it is an economic way to examine the backgrounds of potential volunteers.

But even ChoicePoint concedes that national crime database searches offer incomplete results.

Spokesman James Lee said that there is only one way to conduct a thorough criminal background check: combine computer-based nationwide searches with old-fashioned in-person visits to county courthouses which house criminal record information.

ChoicePoint also says clearly on its Web site that a database search has its limitations and "should always be used along with policies and procedures that help to protect children and other vulnerable populations."

"Any due diligence is better than no due diligence," said Jeff T. Collins, CEO of Integrated Screening Partners. His firm does background checks for Dell Computer Corp., and he's also started a new consumer service called SafeDate.com, for backgrounding potential love interests. "But if people get an (electronic) criminal background check and think their problem is solved, they are fooling themselves."

Both Integrated Screening Partners and Intellisense do sell inexpensive database-only searches, but Collins and Taylor said they try to steer clients away from using those services when making important personnel decisions. The more extensive searches that both companies offer are more expensive, between \$50 and \$100.

Taylor is concerned many organizations are content with a simple computer-search. "It's better than nothing, if the alternative is to do nothing," she said. "But you aren't getting a thorough background check."

At best, such computer database crime searches can be a helpful supplement to backgrounding potential job applicants and volunteers, Taylor said. But when used by themselves to make decisions, they give organizations and parents a false sense of security, thinking their children are entrusted to volunteers that have been diligently cleared of any shady past.

Spotty court participation

Here's why. There is no national database of felony convictions that's sold to private

data firms. Most criminal records are stored in the 3,100 county courthouses scattered across the country. In some states, the various counties report their data to a state law enforcement agency, such as Texas' Department of Public Safety. In other cases, as in California, counties sell their data individually to private firms. Other counties refuse to sell the data entirely.

Companies like ChoicePoint must laboriously obtain their information from each relevant state and county agencies, supplemented sometimes with data on inmates purchased from state and county jails. Relying on the local agencies also means relying on court clerks to update the information regularly. Some do so every day, others every quarter. Collins said one Texas county went 18 months without updating its data.

Making matters worse: Each jurisdiction may have slightly different definitions for various crimes. A felony in one state may be a gross misdemeanor in another, which means a database search could miss many assault, battery, theft and domestic violence charges.

And though the name may suggest otherwise, the "national" criminal databases also don't include federal convictions. Records of these crimes, which include convictions for Internet child pornography, are filed in federal district courts and stored in a separate database called Pacer.

That means someone could clear a national database search, but still have a conviction for Internet child porn, Taylor said.

Complicating matters further: Sex offences are generally stored in an entirely different database, maintained by state agencies. That means finding former sex offenders requires an additional database check. While many of these checks are now made freely available on states' Web sites, others require handwritten or in-person requests.

Well-known in the industry

The shortcomings are widely understood in the industry, and consumers are educated about them, said Bill Whitford, a vice president of sales at ChoicePoint.

Despite the shortcomings, the firm's "NatCrim" file contains 200 million records from every state, making it a critical additional tool for organizations to use to find potential former criminals, Whitford said. Simply checking local arrest records with the chief of police, or even with the local county court, can be equally incomplete, he said.

"People do move away from their past," he said. "A nationwide search is critical."

So far, searches at VolunteerSelect have uncovered 11,000 undisclosed criminal felony records, Whitford said.

"These products are part of a comprehensive screening process," he said, adding "there is no panacea." ChoicePoint always recommends additional backgrounding strategies, he said.

The closest thing to a panacea would be a fingerprint search conducted by organizations directly through state law enforcement offices and the FBI's master criminal fingerprint file. Last year, the FBI assistant director Michael D. Kirkpatrick told Congress that the agency's file contained arrest records on 47 million people, virtually everyone who's been arrested for a crime in the United States.

Fingerprints also permit more accurate searches, as they remove the possibility of a candidate escaping a record by lying about their name, birthday, or prior residence.

Many school districts mandate such fingerprint searches and use local law enforcement agencies to help them access the FBI files. But such checks are considered more invasive and take more time. A database search requires only a name, a date of birth, and sometimes, a Social Security number. Fingerprint searches cost \$50-\$75 each, and results can take up to eight weeks, compared to the instant results a company like ChoicePoint can provide.

It wasn't supposed to be this way. In 1993, Congress passed the National Child Protection Act, which was supposed to pave the way for easy access by volunteer organizations to FBI fingerprint background checks. But availability was spotty and expensive, and in 1998 President Clinton signed an amendment called The National Child Protection Improvement Act to kick-start the project with additional funding. Those efforts also stalled. A 2002 survey by the National Mentoring partnership reported that organizations waited an average of six weeks for results.

These deficiencies opened the door for national services like ChoicePoint's VolunteerSelect.com, and in 2003, the Boy Scouts of America started requiring ChoicePoint checks for all volunteers. At about the same time, Little League Baseball started using RapSheets.com -- since acquired by ChoicePoint -- to perform similar background checks.

Little League spokesman Lance Van Auken said he feels the national search is a vast improvement over what was possible in the past.

"It's extremely helpful. It goes far beyond what local league volunteers are able to do by themselves," he said. "A couple of years ago, leagues weren't required to do any kind of a check. It's extremely affordable, and for a small amount of labor, it's something that you can do, a way for Little League to be a hostile environment for child sex offenders."

Still, Van Auken said his organization is aware of the product's shortcomings, and works hard to transmit that message to local volunteers and parents.

"It is a concern. It is possible to give the local league volunteers a false sense of security," he said. "That's why we combine this with other information on what parents should be looking for. We try to explain to parents what the warning signs are."