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The Need to Pre-Screen Your Pre-Screening Vendor

by Tony Ramos, President, Integra-Security Alliance, Inc.

“Search Over 160 Million Criminal Records Instantly”, “\$10 Instant Criminal Background Check Record Searches” or “NationScan Criminal Index Turnaround Time: 30 Minutes or Less” are just some of the claims being made by screening companies in their advertising today.

Employers looking to implement a background screening program are faced with the challenge of deciding:

- Who can be trusted?
- Where do databases get their information?
- What exactly am I getting?
- Which claims are true?
- Are all screening companies the same?
- What should a background check consist of?
- What is my best option?
- Which is the most legally sound program?

Most of these questions can be easily answered by first understanding how criminal records are generated, maintained and stored.

The county courthouses in Illinois, as well as county courthouses throughout the U.S., remain the place of origin for most criminal records. This is also the location where these records are physically stored and updated with both arrest and conviction information. Properly accessing these files will provide you with the most complete and up-to-date information available. The issue here is knowing which county courthouse to search, considering there are over 10,000 courthouses nationwide.

Many companies claim to address this issue by collecting criminal information from various sources and providing employers with various types of electronic criminal databases. However, while many claim to have records from all states, many states do not provide their repository of records. The ones that do typically contain less than half of the available records. In addition, this information is stale and needs to be confirmed. So, regardless of the size of the database that the company is claiming to have, why settle for having access to just a fraction of the criminal records actually available and of those records that are available, why settle on making a hiring decision based on out-dated information?

Employers need to become familiar with The Fair Credit Reporting Act (FCRA), because it can provide important protective immunities against civil lawsuits for defamation, invasion of privacy and negligence, if followed. With respect to databases, The Federal Trade Commission, who authored the FCRA, has issued an opinion letter indicating that “an employment screening service that uses ‘stored data’ (which may be as much as 90 days old) does not comply with” the Fair Credit Reporting Act Section 613(2). State repositories are available in some states, but many provide partial or out-of-date information because they are not frequently updated. Except where the repository is updated daily, state repository searches should not replace county criminal searches.

So what should a background check consist of and what should one look for in a screening company?

Simply stated, always begin by conducting a Social Security trace. This will verify the name, provide up to ten years of residential address history and other names (aliases) associated with that number. These results should then be used to determine which counties and names to search.

In selecting a screening vendor:

- Your vendor must have full access to the over 10,000 courthouses nationwide and not rely on any database for information.
- Your vendor should have a year-to-date national hit rate of at least 10 percent. Hit rate is the percent of criminal records found as compared to total records searched. This will provide you with a very effective tool to determine the efficiency and accuracy of your vendor. Don’t be surprised if a vendor is reluctant to provide you with their current hit rate percentage.

- You should expect to have your results in 24 to 48 hours.
- Make sure your vendor is a licensed consumer reporting agency and fully FCRA compliant.
- Does your vendor have experience in conducting court record research? Too often, many of these screening companies are strictly pass through companies. They utilize third party companies to conduct the actual court searches. This information is then sold to these screening companies who then repackage it and resell it to employers.

Following the simple mandates of the FCRA and selecting a reputable screening vendor can provide you with a highly cost effective, legally sound screening tool.

About the Author

Tony Ramos has over 30 years of combined experience in developing, implementing and selling employee background screening to private/public corporations and governmental agencies nationwide. His experience has also led him to author "The Guide to Background Checks" which he developed for the Illinois Association of Chiefs of Police and is available for download from his website at www.integrasecurity.org.

For more information, contact Tony Ramos at tamos@integrasecurity.org.

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One IBM Plaza, 330 N. Wabash Avenue, Suite 2800, Chicago, IL 60611-3605
(P) 312-494-6700 (F) 312-494-0196 (E) staff@chicagolandchamber.org
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