Human Resource, Security, and Law Enforcement Professionals continually debate which is the most comprehensive method for researching criminal records to conduct background screening. Biometrics have made significant strides over the past decade in regards to creating central repositories for records of arrested and detained individuals, however the system designed to assist law enforcement remains inadequate to be utilized in the background screening process. Courthouse research remains the most comprehensive method for researching criminal history in the background check process.

Criminal Records Research

Types of Records. There are three main records in a criminal proceeding:

- 1. When a person is arrested and "booked" by law enforcement, a record of arrest is created documenting the reasoning leading up to the arrest. An arrest record is not a criminal record.
- 2. The criminal record is the documented court proceedings following the arrest that determines conviction, dismissal, or acquittal. The criminal record is the only record that should be used in the background research process.
- 3. The incarceration record is the document created by the department of corrections for those that are sentenced to serve time in our nation's prison system.



DUE PROCESS ARREST RECORD 1. The law

The arrest record is the record of arrest recorded by the law enforcement authority making the

- 1. The law enforcement record is only a record of arrest.
- The record does not become a criminal record until the arrest is processed into a disposition by either a county court or federal district court.
- 3. The arrest record is the only record tied to a fingerprint and the only record that is electronically transmitted to state and FBI databases. It is up to the courts to provide the disposition information at a later date.

COUNTY COURTHOUSE

All non-federal crimes are tried at the county courthouse. The county courthouse processes the majority of crimes in this country making it the best source of criminal record research available. Courthouses are not tied to a national index system as many people believe and few are even tied to a state system.

FEDERAL COURTHOUSE

All federal crimes are tried in the federal court system. The federal court system is tied to a common electronic index known as PACER. However, the index can be searched by name only in most cases, therefore it is important to research additional identifiers when utilizing the federal district system. A legally reportable criminal record in the background process must be a court record and not an arrest record. As much as we all want to believe that our country has a national electronic index to pull criminal records from the courthouse via computer, it just isn't true. The federal district system has an electronic index to pull from, however it lacks identifying information to make a discernable match between a criminal record and an individual the research is being conducted on. There are still many county courthouses in this country that don't have an internal electronic index where research is conducted by hand by a clerk of the court. Courthouse records for both county and federal courts remain the primary source for research for background screening.

DEPARTMENT OF CORRECTIONS

The Department of Corrections processes individuals into the state's prison system when incarceration is decided as a punishment by the court system.

FEDERAL BUREAU OF PRISONS

The Federal Bureau of Prisons [BOP] processes individuals into the federal prison system when incarceration is decided as a punishment by the federal courts. The Department of Corrections and the Federal Bureau of Prisons maintain records of incarceration. Therefore records from these sources will only be those records where the individual actually served time. Prison searches can be accomplished in several states but should not be used for criminal records research for background screening. The best use for prison searches is when an applicant has a break in their employment history for a long period of time.



www.usafact.com

ISAFact is a registered trademark of USAFact, inc. All of the information contained herein s exclusively for marketing purposes and content may change without notice. All products nd services are subject to availability. Additional terms and conditions may apply.

Court Research vs. Database

There are discernable differences in the accuracy and completeness of criminal records research depending on the source of the information. Which method is more comprehensive? In order to answer this question, it is important to understand the process, from arrest record to courthouse to repository. The factor that should be considered when choosing the type of criminal records research to utilize in the background process should be <u>RISK</u>. Instant furnaround with a low price tag comes with a considerable increase in risk and decrease in confidence level.



SOURCE

RESEARCH

USAFACT

How Important is Confidence Level?

DATABASE CROSS MATCHING

The National Criminal Database is not robust. A "National" Criminal Database is a result of accumulating as much criminal record data as available in one database and matching the applicant's name with the names on the records within the database. *These results must be verified at the source*.

On the surface, this concept may appear to be the most comprehensive process to utilize for background screening, but it is not.

Source Research

The county courthouse research process places an emphasis on directly researching the criminal past of the applicant, not matching the applicant's information with records that were randomly obtained. USAFact utilizes Address History Locators for the applicant and researches criminal record files directly at each source of the applicant's past. This is more comprehensive, complete, and accurate. Additional services like the state prison search and/or the National Criminal Database and Sex Offender Registry can greatly enhance the effectiveness of directly researching applicants in the screening process.

DATABASE

COVERAGE AREA

The National Criminal Database simply matches the applicant's name against the contents of a database. The research process covers known addresses by using an address history of the applicant. All data must be verified at the source for compliance.

DATA QUALITY AND COMPREHENSIVENESS

The research of the original files contained at the courthouse provides greater data quality and the comprehensiveness important for compliance.

COST

Although the initial soft cost is lower in using a National Criminal Database, the hard cost of reviewing false positive information, missed records, and lack of compliance make the research option the overall value.

COMPLIANCE

Information contained in a report from USAFact is reviewed to ensure compliance and all disputes of information are handled immediately.

LOWEST RISK

The court researcher process yields the lowest risk rate in missing important information which in turn lowers the risk for possible litigation occurring in the hiring process.



JSAFact is a registered trademark of USAFact, inc. All of the information contained herein s exclusively for marketing purposes and content may change without notice. All products and services are subject to availability. Additional terms and conditions may apply.

Criminal Records Research





The court systems are the best sources for criminal records, but there are a few repositories for criminal records, including state repositories managed by each state's Department of Justice, a National Criminal Information Center managed by the FBI, Interpol for International, and a variety of proprietary National Criminal Database products that are compiled by private agencies. Criminal record repositories collect data from all three record sources; arrest records, court records, and incarceration records to compile large databases of information. However, a criminal record super information highway does not exist and record information maintained by these sources is sporadic.

HOW COMPLETE IS THE INFORMATION IN A REPOSITORY?

THE STATEWIDE CRIMINAL CHECK

Each state maintains a statewide criminal record database however each system is different on how it is maintained and some states even deny public access to the information. Live Scan technology to capture fingerprint arrest records has been introduced in a few states however only about half of all states are electronically connected with the master criminal record index maintained by each county, therefore the information they compile is not all inclusive and often incomplete.

THE FBI'S NATIONAL CRIMINAL INFORMATION CENTER

The famous NCIC where every crime that takes place is recorded, right? Well actually the FBI isn't interested in every crime committed, they are more interested in high level criminal activity therefore there are many criminal records that never even make it to the NCIC. In addition, the NCIC is primarily a law enforcement database therefore disposition information regarding criminal cases in their database is often incomplete. Just because a person is arrested doesn't necessarily mean they were convicted or even involved. The statewide criminal check is a very popular search because logic suggests that a larger coverage area would be the more comprehensive criminal search. However, most state systems are not connected by computer to each individual county and in some cases, the information at the county level cannot be transmitted electronically. The states collect most of its data from their law enforcement agencies and since many won't report records without a disposition, many records go unreported or without the disposition making them non-reportable.

Now why can't my background screening company just tap into that same system as CSI? Isn't every criminal record in the country contained in the FBI's database all linked to a fingerprint for identification? Well the answer to both questions is a resounding no! The FBI's NCIC is not available to all industries for background screening and even if it was, it is not very comprehensive and the information is very sporadic because it is collected primarily from law enforcement.

NTERPOL

International law enforcement maintains an international database of criminal activity that has taken place crossing country borders. Interpol is primarily interested in national terrorist and very high level criminal activity.

Interpol is not a commonly used tool in background screening but the contents of Interpol will be reported by most proprietary national criminal database products. As our society becomes more global in nature, Interpol can prove to become a valuable tool for screening in the future.

PROPRIETARY NATIONAL CRIMINAL DATABASE

The only government national criminal databases belong to the FBI and the ATF, however there are dozens of databases that have been created and maintained by private agencies. Three years ago, USAFact tested five of the largest of these databases before deciding on our provider. The primary sources for information in a private national criminal database are Department of Correction records.



USAFact is a registered trademark of USAFact, inc. All of the information contained herein is exclusively for marketing purposes and content may change without notice. All products and services are subject to availability. Additional terms and conditions may apply.



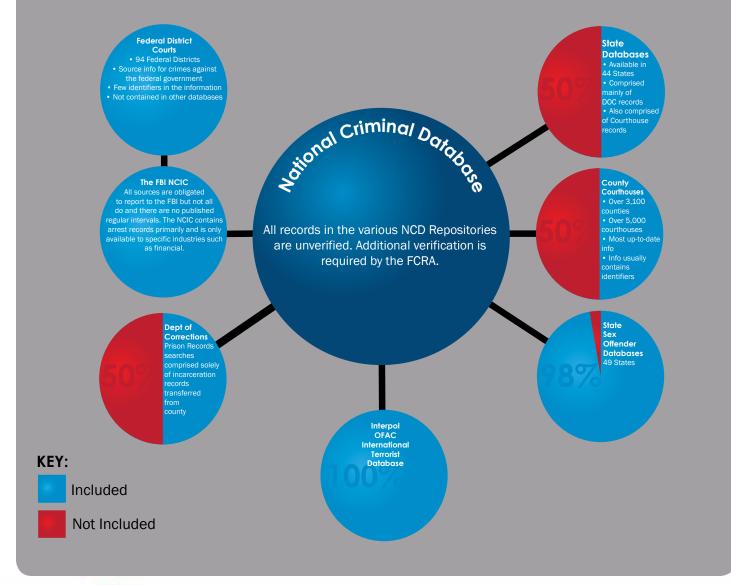
National Criminal Database

One of the most common MYTHS in background screening is the existence of an all encompassing criminal records database containing every criminal record processed in the

country. Television shows like *CSI, Law and Order* and *Without a Trace* are just that, television shows. A National Criminal search can be accomplished by a few through the FBI National Criminal Information Center (NCIC), but for most organizations that process their criminal background checks through a national database, they are more than likely accessing one of the many National Criminal Database products created by purchasing data from across the country and electronically matching an applicant's name only with records in their database. These results must be verified for FCRA Compliance.

The Contents of a National Criminal Database

Only about 70% of all sources and approximately only 50% of all criminal records in this country are available for sale to companies compiling database information. This is a graphic of the sources available to compile a National Criminal Database. The National Criminal Database does not include every record from every source, only records of those sources that make them available for resell. Since records are often missing important detail and not purged from the system when the disposition of the record changes, It is very difficult to maintain legal compliance when using such database.





USAFact is a registered trademark of USAFact, Inc. All of the information contained herein is exclusively for marketing purposes and content may change without notice. All products and services are subject to availability. Additional terms and conditions may apply.

More Criminal Records Repositories





There are many other types of criminal record repositories that can be used as valuable sources for background screening. Repositories like the sex offender registries, or Office of Foreign Asset Control database of suspected terrorist for use by employers and financial institutions to prevent funding for terrorism. The FBI publishes a list of Most Wanted and a National Terrorist database to identify the most dangerous individuals in the opinion of law enforcement.

GOOD SUPPLEMENTAL SOURCES FOR CONDUCTING CRIMINAL RECORDS RESEARCH

SEX OFFENDER REGISTRY

In accordance with the federal Sexual Offender (Jacob Wetterling) Act of 1994, now more commonly known as Megan's Law, each state created and maintains a public database for known sex offenders. It is important to know and understand the legislation before utilizing sex offender information because being a sex offender is not grounds to deny employment for all industries.

USAFact almost solely recommends the use of source information when conducting background research on applicants in the hiring process. However, for the sex offender search, it is our strong recommendation that our clients utilize our National Sex Offender database service due to the nature of sex offenders. Sex offenders often move to get a new start and more often than not, they fail to register with their new state of residence. The National Sex Offender search ensures each state is searched.

OFAC

The Office of Foreign Assets Control of the US Treasury administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction.

Collectively, such individuals and companies are called "Specially Designated Nationals" or "SDNs." Industries required to report contact with people they believe are SDNs are financial, travel/tourism, insurance, export/ import, or securities.

NATIONAL TERRORIST DATABASE The Federal Bureau of Investigation publishes a National Terrorist Wanted List.	The National Terrorist Wanted List is available in our Global Security Search.
FBI Most WANTED The Federal Bureau of Investigation publishes a Ten Most Wanted List	The Ten Most Wanted List is available in our Global Security Search.



JSAFact is a registered trademark of USAFact, Inc. All of the information contained herein s exclusively for marketing purposes and content may change without notice. All products ind services are subject to availability. Additional terms and conditions may apply.



The Recommended Method of Research

The federal Fair Credit Reporting Act [FCRA] <u>requires</u> that employers utilizing background screening in their hiring process ensure that only the most up-todate source of information is used to complete the process. There are many sources that can be utilized for researching criminal records however the most comprehensive and up to date information is located at the county and federal district courthouses. Most repository searches, such as State or Proprietary National Criminal Databases, are not comprehensive nor up-to-date.



RESEARCH ACCOMPLISHED AT THE SOURCE

3,141 County Courthouses

All non-federal crimes are tried at the county courthouse. Information regarding outcome of an arrest (disposition) is maintained by each of the 3,141 counties in the country and is available as public information to be researched by court researchers as early as the day the case was judged in some courthouses. Information at the county is researched utilizing the best, most comprehensive method made available by the courthouse being researched.

- 1. Electronic integration with the courts: a more comprehensive up-to-date database is the most desired method to obtain information in the county. About 47% of the counties in the United States have an electronic method available to research them.
- 2. When an electronic search is not available, USAFact utilizes a network of court researchers across the country to accomplish the research in the county being researched. Results from most researchers are submitted electronically and clear results are downloaded directly into the report.
- 3. A small percentage of courts will not allow researcher access. Therefore it is necessary to utilize the clerk to perform the search. Counties that utilize the clerk to perform the searches usually charge a fee for the research and return information on their schedule.

Accessing the court index provides the researcher with information on whether there is a criminal record to research or not. If the index does not contain identifier information such as DOB or middle name further research is conducted by ordering case files to complete the research.

94 Federal Districts

Federal crimes (a very small percentage of overall criminal activity) are tried in the federal court system. Federal crimes are crimes against the federal government or crimes committed on government land. Federal district criminal searches are not national searches. Information regarding outcome of the arrest (disposition) is maintained by each of the 94 districts in the United States. The federal district criminal records repository is a linked system known as PACER.

Information is researched utilizing the PACER Index system. However, the PACER system is indexed primarily by name therefore there are almost never identifiers such as DOB or middle name contained on the electronic record. Therefore, further research is necessary to complete the research. USAFact utilizes a six step process to obtain identifying information on federal district searches to complete our research. These six steps include:

- 1. Check age of applicant at time case was filed.
- 2. If there is a USM# check it at Inmate Locator site.
- 3. Media search for case.
- 4. Check record for any civil cases within the criminal case.
- 5. Contact court and request identifier comparison.
- 6. Contact probation office if applicable.



ISAFact is a registered trademark of USAFact, inc. All of the information contained herein s exclusively for marketing purposes and content may change without notice. All products ind services are subject to availability. Additional terms and conditions may apply.

What Are Court Documents?

Court documents are the ultimate delay in the criminal records research process. When the electronic index information breaks down, the research begins. Court documents are the files containing all pertinent case information and are often stored in warehouses as depicted by the graphic. If an individual's identifying information is not present in the electronic index used for researching at the courthouse, it is sometimes necessary to order court documents from the court to obtain the necessary information to make a positive identification.



USAFAC

CLERK SUPERIOR COURT - COR JAY C. STEPHENSON				Garant Beech		
lodex Data through: 04/16/2007				Report (INCOMENTING)		
Search Results By Name - Criminal Cases		8		Patr Range WC Years		
1979 - 18						
learch Rendra			BERT PT			
Mare Bare	Utares	Norg-Date	Cars No.		1000 Atta	Patron
Di Provezievenen	7ERADELTIS THEATS	0.454007	6740-MOK			1 220
The second means	TRANS, P. WIDE, BOOTTONY	00404000	100000	0.00		
Statistic Money	DROELTY TO CHLUREN	0303000	07001800			
Gill Switchise encloses	MOS SA CONTINUE ACTIVES	Distriction of	#1000008			3401500
A DACKDOW MICHAEL	REVOCATION FROM	08-980001	81900098	_		81/8000
24CHERN MICHAEL	79417.8194030.090	COCOTION.			KLOURADY:	472/1499
ACADE INCOME, ANTHONY	MOL BA CONT MUR APT FEL	1740153880	00002710	-	in the second	81,610,000
10 24CHILDE MEDINEL, ANTROPHY	MOLINA CONTINUE ACTINES	IN645000	00002718	14	141464	8160000
DADINGH MICHAEL ANTHONY	FILLE SERANCE	0749-90008	00800710	45	A40.001	81.00006
ALCOSTS AND ANTICAST	NEVOCATEDAPEDA	0101000	81810715	٩.	474895	
PACKED IN MICHAEL ANTHONY	WOL IN CONTINUE ACTIVES	08/07/1998	mecconn -	10	CAUTHORN	81/08/108
C DADIECH WOHREL ANTHONY	REVOCATION PROB	05.07/1980	BURGODON (CHUTHORN	87.631108
PACIFICIAN INCOME, ANTINOMY	MUN, SA CONT 349 ACTAIN.	UNIDIAL	00001100	34	\$10494K5	Intervention
10 DADREDA MEDINEL BROOM	VIDE HA CORT SUR ACT FIL	- DALTIERS	1401025	28.	STALET	6867.000
ACCESS MENAL BRIDE	MARTINA, VEDLATOR	100041882	acapacies.	28	RINGEY	35/5/196
ADVIDE MANAGE	at moments	101041480	10074030	10	1946E1	31/10/100
DACYDON MICHIEL BRUDE	NEVOLATION FROM	10091000	000000	28	87HARY	08/10/08
California account pages	ENSTRUCT PULLE OF	Philip/seat	armonez.	24	11111-101	3874788
ACCESS INCOMES BALLER	HUS, SA CONT SNU ACT FEL	1076768	80000007	54	97090489	85-16100
Oil Decombs recteen, party	WEINFILM COTTONING	In This last	(Instantion)	120	ALC: NOT THE REAL PROPERTY OF	84/10/100

The Courthouse Index

The majority of courthouses across the country utilize an electronic index to manage criminal records in their courthouse and to make retrieving information fast and easy. Most of these indexes are public domain and there is a growing number that are online accessible. However occasionally state and local statutes limit access or the information contained in the index. The court index is where the majority of all county criminal record research is processed.

So Why is Some Information Delayed?

For background screening companies, where quality and comprehensiveness are of concern, there are occasional delays in the process that frustrate customers. There are many different reasons for delays. Delays include:

• **Research for Identifiers.** The criminal record index at a courthouse is often missing important identifying information such as the date of birth or the middle name to make a positive identification on an applicant with a common name.

• **Court Closure**. The courthouses are government facilities subject to closure for every calendar holiday. In addition to holiday closures, courthouses sometimes experience technical difficulty with their system or close for weather conditions.

• **Courthouse Labor Issues.** Some courthouses will not allow access to criminal records and require the background screening industry to utilize court staff to conduct the research for a fee. There are occasions when courts experience labor issues such as being short staffed or being inundated with requests. In some cases even illness, maternity leave or other human factors have created delays at the courthouse.

• **Research Requires Court Documents.** If the index and the court files do not contain the necessary identifiers to make a positive match in the process, there is the option of ordering court documents to continue the research.



SAFact is a negistered trademark of USAFact, inc. All of the information contained herein exclusively for marketing purposes and content may change without notice. All products di services are subject to availability. Additional terms and conditions may apply.

Statewide Criminal Database

Each state has its own methodology, not only for obtaining information from each of its counties, but also how they provide access to the information for research. Below is the agency and methodology of each state that provides a statewide search of criminal records in addition to a list of those states that are deemed "Closed State," meaning that the information is not available for private research. We strongly recommend that research be conducted at the county level. If your organization requires processing statewide searches for criminal records, these are the sources and methods utilized by USAFact.



CLOSED STATES Arizona California Louisiana Nevada Ohio West Virginia

USAFACT

STATE	AGENCY	METHOD	TURNAROUND TIME
Alabama	Alabama State Judicial Information System	Online	24 hours
Alaska	State of Alaska, Criminal Records & Identification Bureau	Mail	3 weeks
Arkansas	Arkansas State Police	On Site	2-3 days
Colorado	Colorado Court Administration	Online/Auto	2-24 hours
Connecticut	Connecticut Judicial Branch	On Site	48 hours
Delaware	Delaware State Police	Research	2-3 days
DC	Superior Court of the District of Columbia	Research	48 hours
Florida	Florida Department of Law Enforcement	Online	24-48 hours
Georgia	Georgia Crime Information Center	Fax	24-48 hours
Hawaii	Hawaii Criminal Justice Data Center	On Site	24-48 hours
Idaho	Idaho State Police	Mail	2 weeks
Illinois	Illinois State Police	Online	1 day-2 weeks
Indiana	Indiana State Police Central Repository	Online	1 day
Iowa	Iowa Division of Criminal Investigation	Fax	1 week
Kansas	Kansas Bureau of Investigation	Online	24-48 hours
Kentucky	Kentucky Administrative Offices of the Court	On Site	2-3 days
Maine	Maine State Bureau of Identification	Online	24-48 hours
Maryland	Maryland Judiciary Case Search	Research	2 days
Massachusetts	Massachusetts Criminal History Systems Board (CORI)	Online	48-72 hours
Michigan	Michigan State Police	Online	24-48 hours
Minnesota	Minnesota Bureau of Criminal Apprehension	On Site	24-48 hours
Mississippi	Mississippi Department of Public Safety	Mail	1-2 weeks
Montana	Montana Department of Justice	Online	24-48 hours
Nebraska	Nebraska State Police	Mail	3 weeks
New Hampshire	New Hampshire State Patrol	Mail	3-4 weeks
New Jersey	New Jersey Administrative Office of the Courts	Online	24 hours
New Mexico	New Mexico Department of Public Safety	Mail	2 weeks
New York	New York State Office of Court Administration	Online	24-48 hours
North Carolina	North Carolina Administrative Office of the Courts	Online	24-48 hours
North Dakota	North Dakota Bureau of Criminal Investigation	Mail	2 weeks
Oklahoma	Oklahoma State Bureau of Investigation	Fax	1 week
Oregon	Oregon Judicial Information Network	Online	24-48 hours
Pennsylvania	Pennsylvania State Police (PATCH)	Online	1 day-6 weeks
Rhode Island	Rhode Island Administrative Office of the State Courts	Mail	4 weeks
South Carolina	South Carolina State Law Enforcement Division	Online	24-48 hours
South Dakota	State of South Dakota Unified Judicial System	Fax	48 hours
Tennessee	Tennessee Bureau of Investigation	Research	24-48 hours
Texas	Texas Department of Public Safety	Online	24-48 hours
Utah	Utah State Courts	Online	24-48 hours
Vermont	Vermont Criminal Information Center	Mail	2 weeks
Virginia	Virginia State Police	Mail	1-2 weeks
Washington	Washington Administrative Office of the Courts	Online	24-48 hours
Wisconsin	Wisconsin Department of Justice	Online	24-48 hours

Wyoming Turnaround time for the information is subject to change as it can be affected by staff shortages, technical difficulties, and/or weather. State searches are also subject to fees charged by the state for access. These fees are passed through to the client and change frequently. Contact USAFacts's Service Support for a current statewide fee schedule at (800) 547-0263.



JSAFact is a registered trademark of USAFact, inc. All of the information contained herein s exclusively for marketing purposes and content may change without notice. All products ind services are subject to availability. Additional terms and conditions may apply.

USAFACT

International Criminal Records Research

USAFact can obtain records from 156 different countries utilizing the most comprehensive and efficient manner possible. The lack of computerized records in many countries makes travel and interviewing necessary, therefore cost and turnaround time are subject to the method available for the country being searched. Researching criminal records around the world requires an extensive network of researchers to accomplish the research whether electronic, manual, or investigative depending on the complexity of the law enforcement offices and the records they keep.

THE CHALLENGES IN OBTAINING INTERNATIONAL DATA

There are several challenges to take into consideration when attempting to obtain accurate and complete information because every country is different. Modern information technology in the United States is only available to a small number of countries, resulting in a more primitive means of research that can include Village interviews. There is generally very limited access to public records outside the U.S. Every country has its own laws and procedures for background screening.

• LANGUAGE BARRIERS

There can also be language issues in interviewing local law enforcement for information regarding an individual and in some cases reviewing the case documents to complete the criminal record search process.

• DIFFERENCES IN COURTS AND CRIMINAL SYSTEMS

As in the various United States jurisdictions, each country has its own legal system thus a coding system. To be successful at researching at the International level it is vital to understand each country's court system, how criminal records are created and maintained, where searches should be conducted, the type of records that are available and an accurate interpretation of each record located.

• LEGAL

It is important to follow legal guidelines that are applicable in both the U.S. and the country being searched.



Can other countries be searched?

USAFact accesses criminal records from 156 countries including but not limited to:

Australia	Bahamas
Brazil	Columbia
Canada	Aruba
Denmark	Dominican Republic
England	Spain
Finland	France
Germany	Greece
Guam	Holland
Ireland	Italy
Japan	Norway
Philippines	Peru
Russia	Sweden
South Africa	Singapore
Scotland	Venezuela



ISAFact is a registered trademark of USAFact, Inc. All of the information contained herein s exclusively for marketing purposes and content may change without notice. All products ind services are subject to availability. Additional terms and conditions may apply.

Compliance in Screening

Not every record that is available is legal to utilize in the screening process. Legal compliance in the background screening industry is very important. Failure to comply can lead to law suits and potential judgments against employers and background screening companies so it is important to know the legislation governing background screening.



7-Year Criminal Record Reporting Rule

There are ten states that will permit only 7 years of criminal record history to be reported. Some have stipulations for salary and industry.

California	Maryland*	Massachusetts*
Montana	New Mexico	Nevada
Colorado*	Texas*	Kansas*
New York*		

Stipulations allow greater than seven years on states marked with an (*).

Unlawful to Report Dismissed Records

There are three states that will not permit background screening companies to report dismissed criminal records.

California Kentucky New Mexico New York

States with Credit Report Use Restrictions

California Illinois Vermont Connecticut Maryland Washington

Hawaii

Oregon

THE FEDERAL FAIR CREDIT REPORTING ACT [FCRA]

USAFACT

The FCRA was enacted to protect the rights of individuals by promoting accuracy, fairness, and privacy of information obtained by Consumer Reporting Agencies (CRA). The original intent of the FCRA was to govern the activities of the major credit bureaus in this country that gather and provide financial information about individuals, such as credit rating and bankruptcy history. The FCRA was later amended to include Consumer Credit Reporting Agencies that perform pre-employment screening services, such as USAFact. USAFact provides FCRA compliance information and templates of all letters and forms necessary to comply with FCRA employment background screening requirements.

STATE LAW COMPLIANCE

The FCRA is the most prominent federal guideline for background screening, however screening compliance also entails the proper application of state law when it is applicable to the report that is being created. In most cases, the state laws that apply to this FCRA condition involve the time period for which criminal conviction information can be reported: 7 years vs. unlimited reporting ability. Other state laws include a modification of the Consumer Authorization and Disclosure process, making it unlawful to report arrest records that did not result in conviction, and strict guidelines on when and how you can use a credit report in the background screening process.

COMPLIANCE SUMMARY

Navigating the hierarchy of background screening legislation is a complicated process. USAFact utilizes the team approach to handle legal compliance in the screening industry. A long list of sources, including the Federal Trade Commission, is used to interpret laws and ensure compliance.



USAFact is a negitatend trademark of USAFact, inc. All of the information contained herein is exclusively for marketing purposes and content may change without notice. All products and services are subject to availability. Additional terms and conditions may apply.

Professional Service and Support



Technology saves you precious minutes in the background process, but a solid customer service approach saves you days on challenging, hard-to-get information. USAFact's Support professionals are knowledgeable about the industry.

USAFACT

Online Tools

USAFact has developed several online tools for your organization to utilize in your screening process. We developed the **FACT Academy** to provide our clients with valuable information regarding screening, sample policies to ensure your organization has a compliant process, and White Papers constructed to provide opinions regarding the hiring process. The **FACT Academy** is a complimentary online module containing PowerPoint presentations and brochures that educate your organization.

Definitions

Each service provided by USAFact is described in detail on our web site to ensure

your organization orders only the services they truly want to order. Our definitions module provides a long list of defined terms that can be found on a background report to assist in the comprehension of the data on a report. It is important to completely understand the information on a background report before making a decision regarding the hiring of an applicant.

Compliance Library

USAFacts's robust Compliance Library is complete with links to the Fair Credit Reporting Act, Driver Privacy Protection Act, the American's with Disabilities Act, and a 50-state compliance guideline to be used in conjunction with your organization's screening program. Compliance is important, not only to those that screen like USAFact, but also to clients like you who screen applicants. You must know the proper procedures for conducting background checks.

Review My Report

USAFact feels that Education and Awareness are important components in maintaining information privacy. For the benefit of the applicants we screen, USAFact developed a consumer awareness web site located on the web at **www.reviewmyreport.com**. Our consumer web site educates the applicant about the screening process and provides applicants the opportunity to electronically dispute information on their reports.

Contact us at:

6240 Box Springs Blvd. Riverside, CA 92507 603 Park Point Dr. Suite 225 Golden, CO 80401

800.547.0263

or via email at customerservice@usafact.com



