The Nature of Criminal History Records

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What is a Criminal Record, Anyway?

- Government required background checks
  - Repository rap sheets
  - Fingerprint-based
    - requires permission
  - Sealing/expungement incorporated into repository
  - Continuously updated searches
  - Source of Blumstein-Nakamura papers
Consumer Reporting Agencies

- Court records
  - Less likely to have dispositions

- Vended data bases
  - Less likely to have sealing/expungements

- Name/DOB search
  - Exact process matters

- Informed consent not “required”
### LA Firms in 2001

<table>
<thead>
<tr>
<th>Method For Check</th>
<th>All Firms</th>
<th>Checks Criminal Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Justice Agency</td>
<td>14%</td>
<td>37%</td>
</tr>
<tr>
<td>Private Source</td>
<td>19%</td>
<td>49%</td>
</tr>
<tr>
<td>Other</td>
<td>12%</td>
<td>14%</td>
</tr>
<tr>
<td>N</td>
<td>604</td>
<td>268</td>
</tr>
</tbody>
</table>

Explicit Comparison

- Only one - major research gap
  - 120 parole and probationers in VA
  - FBI (based on repositories)
    - Found 86 (72%)
  - Private company courthouse search
    - Found 56 (47%)
  - Information did not match very well between two sources

Might Be Used Differently

- Firms that use repositories in LA less likely to hire those with criminal records than those who use CRA’s
  - Statutory exclusions
  - CRA’s negligent hiring “insurance”?

Which One is Better?

- Limited Research
- My informed opinion:
  - Repositories not perfect, but better info than CRA’s
    - Fewer errors
      - Both false positives and false negatives
    - Government controlled
    - Fewer repositories
The Redemption Context

- “Non-offender” risk depends on source
- CRA “non-offenders” will have higher risk than repository “non-offenders”
Other Concerns about Checks

- Date of conviction only
  - Recidivism analyses assume release
  - Risk doesn’t decline in prison

- Information given Master Status
  - Similar analogs?
  - CRA’s, unlike Credit Bureaus, do not build risk models

- Dynamic, with little research/tracking
Other Relevant Information?

- 25% desist
- Desistance is quick
  - How do we identify desistors
- Successful program completion correlated with desistance
  - Why is record only CJ predictor?
Needed Research

- Compare repository and CRA checks
- Estimate false positive and negative rates
- Build transparent risk models
  - Work performance not recidivism
  - Incorporate other information
  - Use models to incentivize behavior
    - Certificates of Relief
Other Relevant Research


