CRIMINAL RECORDS

HOW CRIMINAL DATABASES OPERATE
Informative, not directive

One piece of the background screening puzzle
No federal oversight
Very little continuity
Volume
Identifiers
Access
Consequences

Criminal records disaster
End Result

- Missing Data
- Incomplete Data
- False Positives
I'm hoping to tag along with Mia and her classmates at the end of the year. There is one problem, though. OK, two problems accord: Duval County Public School volunteers.

Domestic battery.

Felony counts of firearms possession.

Hearing about this background came as quite a surprise — me.

I think the biggest legal issue I've had in my 50 years is

"Or so you say," several co-workers said.

Most of them quickly said they believed me, so much so they knew. Which led me to have a counter-reaction, angered

I was hoping for more, but the article shows me that we need better background checks.

LexisNexis Settles FCRA Case for $20.7M

01 May 2008

LexisNexis agreed to settle a class action lawsuit brought by employment applicants who claimed that the company failed to comply with its responsibilities under the Fair Credit Reporting Act. The $20.7 million settlement is believed to be one of the largest pay outs related to FCRA compliance.

The FCRA is the federal law that governs consumer reports, a term that includes employment-related background checks. "Consumers" in this context are applicants or employees, "Consumer reporting agencies" (CRAs) include firms that deliver employment background checks.

In Williams v. LexisNexis Risk Management, Inc. (Case No. 3:06cv241, pending in the United States District Court for the Eastern District of Virginia), the plaintiffs were all former employees of Telespectra and claimed that LexisNexis violated their rights under the FCRA in two areas:

First Claim:

FCRA Section 613 Public record information for employment purposes [15 U.S.C. § 1681k] requires that providers of employment-related background checks (which the FCRA calls consumer reporting agencies) containing public records (criminal records, for instance) follow one of the following procedures:

- "At the time such public record information is reported to the [employer], notify the consumer of the fact that public record information is being reported... together with the name and address of the person to whom such information is being reported" (this is commonly called contemporaneous notification)

- "Maintain strict procedures to ensure "the current public record status of the item at the time of the report is reported." In other words, verify information coming from criminal records databases before reporting it to the employer.

According to the plaintiffs, LexisNexis used the first option, contemporaneous notification. However, while employers had immediate access to the criminal records in the LexisNexis' Internet-based database, the plaintiffs received the required communication from LexisNexis in the mail days later. The plaintiffs argued that this procedure violates the FCRA because it does not notify the consumer "at the time" the report is furnished to the employer, after the employer had already reviewed the information and terminated the employees. It should be noted that this is a common practice for those background check companies that sell criminal background databases to employers.

ABC News Article: Background Check Errors

13 Oct 2008

According to an online article on the ABC News website today, "a review of court records by ABC News found dozens of lawsuits, in behalf of hundreds of people, filed in the last two years against the major criminal records database companies, alleging that background checks contain inaccurate information about criminal convictions."

The article highlights the problems inherent in relying on any criminal records database in making employment decisions. The report also identifies indicators of possible records. The report notes the variety of