Criminal Records
What You Need To Know
Employees are an integral part of a company’s business. And this is why before hiring an individual for a job position; companies deem it important to conduct a thorough background check on that person, which includes his personal history, criminal records, past employment, and the like.

Criminal records, especially, are important pieces of information that any organization, business or otherwise, would like to know about. The information that they get from criminal records helps them judge the character of the person and find out if he is suitable for the job, based on the people he would be involving himself in with such a position. For instance, if the person being considered for a position as a child care assistant has criminal records involving child molestation, then the company will be better off with the forehand knowledge.

Criminal records are often called the central register of police. Most of the time, they only contain prison punishments, or incidents of a crime where the result is imprisonment for a certain period of time. The data contained in criminal records is used for criminal sanctions and also to figure out the reliability of a person. This is where companies needing copies of criminal records come in.

Criminal Justice System Basics

There four different types of federal criminal records, which will be discussed later, and all of them come from different aspects of the criminal justice system.

When Criminal Records Are Established

Criminal records are established when a person gets the following penalty:
• *Suspended sentence or unconditional sentence of imprisonment* – This often happens when, unless a minimum punishment is prescribed by law, the court has the power to suspend the passing of sentence. Generally, suspension of sentence stretches for a period of three years, during which time the offender is placed on probation.

• *Community service* – This refers to a service performed by a person for the benefit of his or her local community. Often, community service is performed in connection with projects that members of certain youth organizations, such as the Boy Scouts, perform. However, community service may also be used as an alternative sentencing technique in the justice system.

• *Youth Punishment* – This happens when the one who committed the crime is a minor. In this case, the offender is sentenced to spend some time in a juvenile correction facility. Also, youth punishments may involve rendering some service for the benefit of his or her local community. In either case, criminal records would still have been established.

• *Fine* – Instead of spending time in prison, the offender is sentenced to pay a certain amount as set by the court.

• *Removal from office*

• *Mental Disorder* – In some cases, the offender is left without punishment for the reason that the court has found him or her not criminally responsible due to a mental disorder.

**The Four Types of Federal Criminal Records**

There are four different kinds of records that are all referred to as “criminal records.” These are:

• *Arrest Records* – Law enforcement records of arrests.

• *Criminal Court Records* – Local, state, or federal records.

• *Corrections Records* – Prison records.
• **State Criminal Repository Records** – Statewide records made up of arrest records, criminal court records, and correction records.

During the past few years, a new type of pre-employment background check became available. It is called the National Criminal File or NCF. There are actually three NCF databases which spans the whole public criminal records registries of 38 to 50 states. As of today, NCF contains over 60 million to 133 million public criminal records in its three databases.

The National Criminal File contains four different kinds of records which can all be considered as “public criminal records.”

First on the list are arrest records. These are public criminal records of law enforcement records of arrest. The second type is criminal court records which are public criminal records registered locally, by state or federal. Third are corrections reports. These are public criminal records involving imprisonment for a certain period of time. And the fourth and last type is the state criminal repository records. These are statewide records made up of arrest records, criminal court records, and correction records.

**Criminal Records Check: Where Do You Start?**

Criminal records check is one step of the procedure involved in due diligence research conducted on individuals. And even though our age today is referred to as “the digital age”, digitized information may not be enough in performing a comprehensive criminal records check. Often, old-fashioned “gum shoe” techniques are required and researchers find that, more often than not, they must rely on less technological means to do a criminal records check.

**The “Nationwide” Criminal Records Check**
We have heard about the so-called “nationwide” criminal records check and we have seen many ads on Internet touting services where you could search through their “nationwide” database of criminal records. Well, we hate to burst the bubble, but there is no such thing as a nationwide criminal records check.

Only one criminal database in the United States comes pretty close to being considered as “nationwide” and it is the FBI database, which is also known as the NCIC or the National Crime Information Center. Even then, the FBI database is not considered as public record, which further means that no one can legally access the information it contains unless that someone works for criminal justice agencies.

**Other Methods of Performing Criminal Records Check**

So, what now? If you cannot access the FBI database, does this mean that there’s no way for you to perform your own criminal records check? On the contrary, there are thousands of separate criminal indexes maintained at the county, parish, township, and city levels throughout the United States. Nationwide criminal records check means accessing each individual index. Now, obviously, this would be difficult to achieve. In addition, it would be time-consuming, expensive, and simply not practical.

**Statewide Criminal Records Check**

Today, 29 states in the United States keep criminal records check repositories which are open to the public. However, from a practical viewpoint, it is better to perform a criminal records check at county level because it may take weeks and sometimes even months for the statewide index to receive information from each county. Also, some criminal data report may not make it to the statewide index, which renders it incomplete. The most thorough approach you can take therefore in your criminal records check is to go through both the statewide index and at the county level in the counties where the subject has lived.
**County Level Criminal Records Check**

County level criminal records check is the method used in most parts of the country. Some counties maintain an index of both felony and misdemeanor records while others offer criminal records check for each separate one.

**Federal Criminal Records: Alternate Ways of Access**

As mentioned earlier, the federal criminal records stored in the FBI database are not open records and are therefore not accessible to the general public. Accessing information from the FBI database for any reason other than legal or the search is performed by unauthorized individuals, i.e. those that do not work for any criminal justice agency, could warrant huge fines or penalties.

But the FBI database is not the only source of federal criminal records. During the past year, a new type of federal criminal records check became available. Known as the National Criminal File or the NCF, this database of federal criminal records are aimed to assist during the pre-employment background checks or during the hiring process of companies.

The National Criminal File includes federal criminal records from 38 to 50 states. There are three databases all in all and the records they contain range from 60 million to as many as 133 million. The numbers are certainly impressive but companies should be aware of the fine print tied to the federal criminal records.

**Online Criminal Records**

In due diligence research conducted on an individual, criminal records check is part of the procedure. And with today’s digitized Information Age, this part of the research process is made more convenient.
There are tons of online criminal records databases maintained by several websites. These online criminal records resources are listed below. Many of these online databases provide records of convictions only so you have to be aware of that.

**BXA.doc.gov** – Bureau of Industry and Security, U.S. Department of Commerce

The US Bureau of Industry and Security (BIS) has an online criminal records database and a denied persons list. The list is maintained in order “to prevent the illegal export of dual-use items before they occur; [and to] investigate and assist in the prosecution of violators of the Export Administration Regulations (EAR) and the Fastener Quality Act (FQA). Though the list is not official, the information it contains is still helpful for those who wish to avoid dealing with unauthorized persons.

**BOP.gov** – Federal Bureau of Prisons, U.S. Department of Justice

The Federal Bureau of Prisons is responsible for the custody and care of sentenced Federal inmates and as such, this agency has a significant amount of criminal records stored in its databases. Recently, the Bureau has opened this database of online criminal records to the general public. Aside from online criminal records, the database also contains information about federal inmates currently incarcerated or released since 1982. The Inmate Locator tool on the website allows you to locate a federal inmate incarcerated from 1982 to present.

**PMDTC.org** – Directorate of Defense Trade Controls, U.S. Department of State

The Directorate of Defense Trade Controls keeps an online criminal records database listing parties debarred for arms export control act convictions. Persons, entities, or individuals who have been convicted of violating or conspiracy to violate the Arms Export Control Act (AECA) appear on the DTC’s online criminal records database. As consequence of their conviction, these same persons are
subject to “statutory debarment” as stated in section 38(g)(4) of the AECA and section 127.7 of the International Traffic in Arms Regulations (ITAR).

Pacer.USPCI.UScourts.gov – U.S. Party/Case Index

PACER is one of the best online criminal records databases you can find on the Internet. Although the search does not come for free, the charge is generally nominal and the information you get more than makes up for it. PACER keeps on online criminal records index of federal filings in federal district, bankruptcy, and appellate courts.

Why Is Access To Free Criminal Public Records Important?

Are you sick and tired of going through all the hassles, expense, and the delays involved in retrieving or accessing free criminal public records? Are you an employer who wants to check up on the background or access the free criminal public records of a prospective hire?

Changing Times

During the past five years, the evolution of technology has created changes in the way things work. For instance, access to free criminal public records before was entirely done manually. It involved physically sending out someone to go out there and sift through tons of paperwork in order to find the right document. With today’s digital revolution, however, a large percentage of pieces of information such as free criminal public records are available and accessible online. In fact, wholly aware of the importance of access to free criminal public records, many government agencies have made previously hard-to-obtain documents freely accessible on the Internet. Of course, some of these documents do not come for free but they are usually available for a very low price.
Many online vendors also sell criminal public records through the Internet via web portals. But because of some restrictions sanctioned by the law involving the release of these types of information, not all public records make it entirely to the public. Majority of these criminal public records vendors have agreed to sell information only to authorized individuals or those persons who are authorized by virtue of their type of jobs, e.g. people who work for research firms, law firms, criminal justice agencies, law authorities, et cetera.

_Due Diligence Research_

According to public records researchers, no more than 20% of public criminal records are available online. This is perhaps due to the fact that not all states have online databases containing public criminal records. In fact, only 22 states have registries for public criminal records and not all are as comprehensive as you would like them to be. The only truly comprehensive public criminal records database is the FBI database and that is _not_ considered public record. Only those from criminal justice agencies have the legal right to access those documents.

So how does one go about finding public criminal records? Well, if you’re a business and you absolutely must get access to the public criminal records of individuals that you are considering hiring, then the best solution for you would be to contact a private detective agency. You see, even if online access of data is not comprehensive, a manual retrieval of public criminal records is quite possible and not only that, it is in fact an integral part of public records research.

Every business, large or small, is vulnerable to threats brought about by incidents of liability, litigation, legislation, and aggressive competition. Information and forehand knowledge of what’s going on is important. And for most people, it serves as the first line of defense against incidents that could cause the business to lose revenues. Sometimes, as is often the case, mere data is not enough. What businesses need are highly-refined information and analysis that facilitates decision-making.
Public criminal records come in especially handy during the hiring process of a prospective employee. It does not bode well for a company to hire someone who’s been previously convicted of a criminal offense, especially if such an offense involves an environment which is relative to the position being offered.

*Pre-Employment Background Checks*

One of the top reasons that access to free criminal public records is important is pre-employment background checks. And for most research firms, this is the major thing that their clients require from them. Employers have become sensitized to the need for this information, largely due to negligent hiring lawsuits.

You as an employer have a responsibility to keep the working environment of your employees safe. If an employee who has been hired has a propensity for a particular type of criminal behavior, and the employer fails to ascertain that by doing a background check in the pre-employment screening process, then when the person commits a crime in the context of their job, the employer can be held liable.

There were too many instances in the past that could have been prevented from happening if only the employer accessed the public criminal records of the prospective hire. It is precisely because of that there’s a whole lot more pre-employment background checking being done today than five years ago.