

## **Myths and Myth Busters about Background Screening and Fingerprinting**

### **Myth: The FBI Database is a Complete Database of All Criminal Records**

Myth Buster: For a record to be located and housed with the FBI's Interstate Identification System (also known as "III") it must have a fingerprint associated with it. Unfortunately, fingerprints aren't associated with all criminal records indexed at county or state repositories. Common identifiers are Name and Date of Birth, and more frequently in the last few decades have SSNs been listed. To complicate matters, while all states currently participate in submitting records to the III, it must be noted that criminal record reporting is extremely irregular across counties and states. Even further, not all state criminal records or fingerprints meet the FBI's standards for inclusion in the III, and not all state records are submitted to the FBI.

### **Myth: The FBI Database Contains Complete Information that is Actionable for a Prospective Employer**

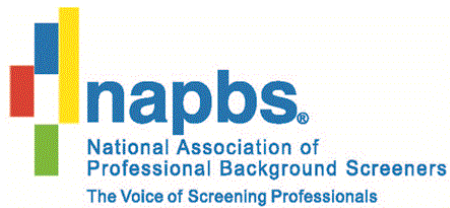
Myth Buster: While the III is still the largest comprehensive collected source of criminal record information, its information is incomplete. For example, the record details shared along with the fingerprints can vary. In a June 2006 report from the Attorney General, titled "The Attorney General's Report on Criminal History Background Checks," it was noted that only 50 percent of III arrest records contained final dispositions.

### **Myth: The FBI Database Gives Accurate Real-Time Criminal Search Results**

Myth Buster: Records including final dispositions are recorded and updated at the primary source: county courthouses; therefore, any type of repository, no matter how aggressively updated, contains inherent lags and inaccuracies. According to data from the 2005 study, "A Review and Evaluation of the NCIC," the average number of days for repositories to receive and process information: Arrest Information = 24 days, Court Disposition = 46 days, Prison Admission = 31 Days.

### **Myth: To Catch a Thief You Need a Fingerprint**

Myth Buster: Background screeners have a variety of tools at their disposal in the search for criminal histories beyond fingerprints. For example, background screeners match criminal records to applicants with a combination of identifiers, including SSN, DOB, and past addresses. Because there is no complete database of criminals' biometric identifiers, looking at other secondary identifiers is necessary to fully reveal an individual's history, if any, with the criminal justice system. A search based on fingerprints alone will not yield a full criminal history, despite its national scope.



### **Myth: Employers Have No Other Viable and Conclusive Options for Understanding Applicant Criminal History**

Myth Buster: Background Screeners are highly regulated at both the state and federal level. Background screening companies are defined as consumer reporting agencies (CRAs) under the federal Fair Credit Reporting Act (FCRA) as interpreted and enforced by the Federal Trade Commission (FTC). Employers relying on background checks must obtain permission to do so, by way of a clear disclosure along with the individual's consent before requesting a report. Each CRA must maintain "reasonable procedures" to assure "maximum possible accuracy" of the information contained in a consumer report, which includes always performing current searches and taking steps to ensure the accuracy of the information received and reported to employers. Screening companies are also regulated at the state level as many states have their own version of the FCRA which may impose additional requirements. Lastly, the National Association of Professional Background Screeners has an established accreditation program to create and exceed best practices for background screening, which can often exceed federal and state expectations.

### **Myth: Fingerprint-based Searches are Widely Accepted**

Myth Buster: Some states have requested recommendations for criminal background check practices from in-state entities, while some have shared mixed reviews of the federal background check pilot program involving fingerprint based searches.

Louisiana House Resolution No. 69 directed the Louisiana State Law Institute (LSLI) to "...study and make recommendations for the revisions of laws regarding criminal background checks for individuals who provide personal care or other health-related services to adults." LSLI was asked to work in conjunction with a number of state entities including the Department of Health, Nursing Home Association, and State Police and numerous others deemed appropriate. While the proposed revisions mandated use of fingerprinting for state and FBI-based searches, the LSLI's final report recommended no revision in existing law.

Additionally, after the state of Wisconsin's participation in the federal background check pilot program, they opted to return solely to their existing Wisconsin Caregiver name-based background check process. In "Evaluation of the Background Check Pilot Program" by Abt Associates Inc., it is noted that there was "...some disagreement about whether the marginal benefits of a fingerprint-based check were worth the extra costs." Other deterring factors for the pilot program included the variations in completion times, with 25% taking 33 or more days to complete, and the logistical issues faced with fingerprinting locations and hours.