



COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

Issues in Criminal Background Screening: An Advocate's Perspective

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Netter Conference – Cornell ILR School

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The Industry Has Changed – Less Human Element

- Bulk data purchasing has replaced courthouse runners as information sources
- Reports are automatically generated from databases
- Low cost is king



I've Got 6 Problems (At Least)

- Inadequate matching criteria
- Reporting obsolete non-convictions
- Not eliminating expunged cases
- Duplicative entries of the same case
- Confusing and prejudicial formatting
- Dispute processes that are difficult (or impossible) to use



#1 - Inadequate Matching

- **Problem:** False positives, especially for:
 - 50-state checks
 - Those matching only name and DOB



#1 - Inadequate Matching (Cont.)

➤ Solutions:

- **Match all available data**, including:
 - Middle name/initial
 - Gender
 - Race
 - Height and weight
- **Identify and scrutinize possible coincidences:**
Common names, jurisdictions where the subject did not live. Human element!



#2 – Obsolete Non-Convictions

- **Problem:** Arrests not leading to conviction are often reported, especially in cases where there were convictions on some charges and not others.
- **Solution:** Don't do it.



#3 – Reporting Expunged Cases

- **Problem:** Cases expunged from public records remain in commercial databases
- **Solutions:**
 - Get better information from the states (PA: supplemental expungement file)
 - Synching technology
 - National Expungement Clearinghouse

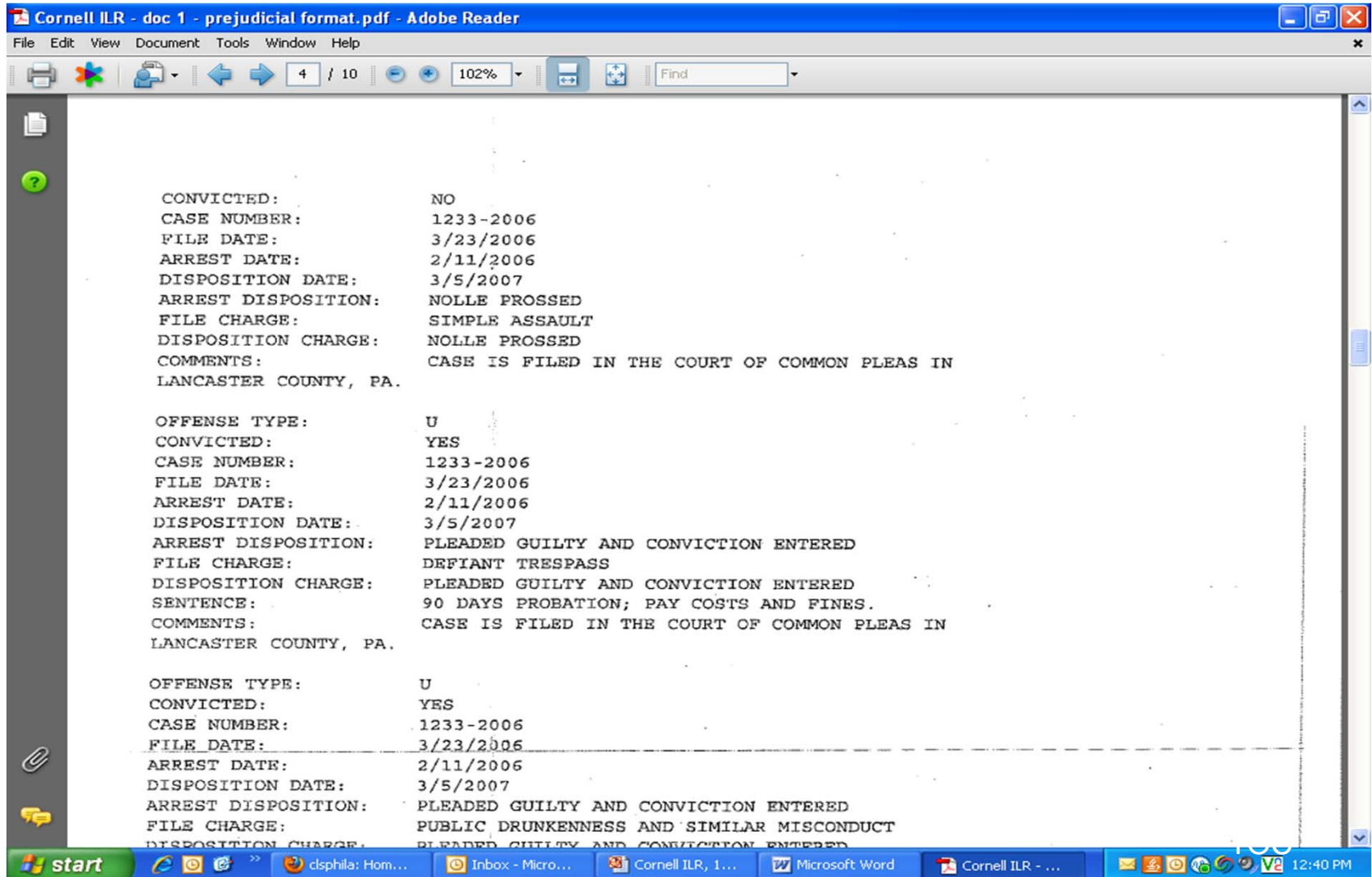


#4 – Duplicative Entries

- **Problems:** Same case is presented in a different format (i.e., different sources); single case is at a different stage (i.e., appeal)
- **Solutions:**
 - Better algorithms for matching cases?
 - Deeper knowledge of state procedure?



#5 – Prejudicial Format



Cornell ILR - doc 1 - prejudicial format.pdf - Adobe Reader

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CONVICTED: NO
CASE NUMBER: 1233-2006
FILE DATE: 3/23/2006
ARREST DATE: 2/11/2006
DISPOSITION DATE: 3/5/2007
ARREST DISPOSITION: NOLLE PROSSED
FILE CHARGE: SIMPLE ASSAULT
DISPOSITION CHARGE: NOLLE PROSSED
COMMENTS: CASE IS FILED IN THE COURT OF COMMON PLEAS IN LANCASTER COUNTY, PA.

OFFENSE TYPE: U
CONVICTED: YES
CASE NUMBER: 1233-2006
FILE DATE: 3/23/2006
ARREST DATE: 2/11/2006
DISPOSITION DATE: 3/5/2007
ARREST DISPOSITION: PLEADED GUILTY AND CONVICTION ENTERED
FILE CHARGE: DEFIANT TRESPASS
DISPOSITION CHARGE: PLEADED GUILTY AND CONVICTION ENTERED
SENTENCE: 90 DAYS PROBATION; PAY COSTS AND FINES.
COMMENTS: CASE IS FILED IN THE COURT OF COMMON PLEAS IN LANCASTER COUNTY, PA.

OFFENSE TYPE: U
CONVICTED: YES
CASE NUMBER: 1233-2006
FILE DATE: 3/23/2006
ARREST DATE: 2/11/2006
DISPOSITION DATE: 3/5/2007
ARREST DISPOSITION: PLEADED GUILTY AND CONVICTION ENTERED
FILE CHARGE: PUBLIC DRUNKENNESS AND SIMILAR MISCONDUCT
DISPOSITION CHARGE: PLEADED GUILTY AND CONVICTION ENTERED

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#6 – Hard to Navigate Dispute Process

➤ Problems:

- Background reports do not tell subject how to dispute, just have summary of FCRA rights
- Websites are no better; may require activation of tiny link for “consumers”
- Phone trees impossible



#6 – Easy Dispute Process

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GIS
Nationwide Background Investigation Services
FAX: (866) 265-4921
Phone: (866) 265-4917

DISCLOSURE / DISPUTE PROCESS REQUEST FORM

If you wish to dispute the accuracy of any information contained within the General Information Services, Inc. (GiS) consumer report or consumer investigative report completed on you by GiS for USPS Integration Account, please provide the identification information listed below.

You must fax this form along with any attachments (documents which possibly validate your dispute) to GiS using the toll free fax number listed on this form in order to begin the process. You will be contacted by GiS following the receipt of your "signed" form. Should you have any questions, you may contact the GiS disclosure department using the toll free voice number listed on this form.

GIS CASE NUMBER: 21761085

LAST NAME, FIRST NAME MIDDLE NA

ADDRESS CITY STATE ZIP

DAYTIME PHONE # EVENING PHONE #

SOCIAL SECURITY NUMBER BIRTH DATE

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Take-Away Message

There are ways to address the most common flaws with background screening reports, if there is the will.

