AN EMPLOYERS GUIDE TO

BACKGROUND CHECKS

SURE CHECK
BACKGROUND SCREENING

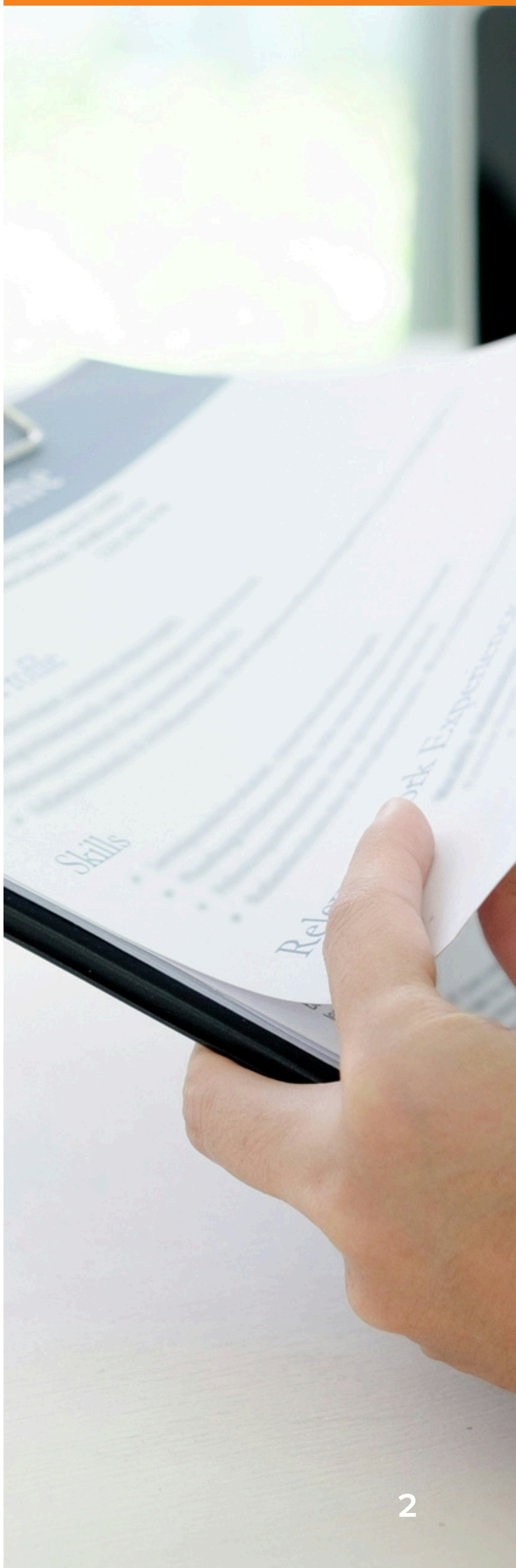
FOREWORD

When making hiring decisions, what you don't know could be costly.

Using pre-hire criminal records checks and post-hire monitoring provides crucial insights into a candidate's suitability for a role.

However, criminal background screenings aren't one-size-fits-all. Variations in jurisdictions, laws, and regulations, along with factors like global address histories and risk tolerance, make it essential to carefully consider the relevance and type of criminal checks needed for each position.

In this eBook, we'll share essential insights into criminal record screenings and **how Sure Check can help you optimize your hiring process.**



WHY REQUEST CRIMINAL BACKGROUND CHECKS?

A candidate's criminal history can offer valuable insights. It may indicate whether they follow the rules, can be trusted with equipment or property, or if they pose a safety risk to other employees and customers. While a criminal record shouldn't automatically disqualify someone from most roles, knowing their history allows you to assess their relevance to the position and make a more informed decision about the potential risks they might pose to your organization.

When used responsibly and in compliance with laws, criminal background checks offer employers several key benefits:

SAFETY AND SECURITY

Identifies candidates with violent or dishonest histories, protecting the workplace.

LEGAL COMPLIANCE

Required in industries like healthcare and finance to ensure safety and adherence to regulations.

ASSET PROTECTION

Helps safeguard sensitive information by screening candidates with histories of theft or fraud.

LIABILITY REDUCTION

Demonstrates due diligence in hiring, potentially defending against negligent hiring claims.

Negligent hiring occurs when an employer hires someone who poses a known risk, creating harm due to a lack of proper background checks.

CONSIDER THIS:

- If you owned a delivery service, would you consider hiring someone with a recent DUI?
- If you needed a procurement manager, would you hire someone who was convicted of taking kickbacks?
- What about hiring a mechanic with a history of violence for in-home repairs or someone caught stealing to handle your business's deposits?

The answers depend on your risk tolerance and industry.

While some sectors require strict background checks, it's ultimately up to employers to decide how and when to use criminal screenings to make informed hiring decisions.

CHAPTER 2

A BACKGROUND ON CRIMINAL JUSTICE SYSTEMS

Before exploring the various criminal background screening options, it’s important to grasp the basics of the criminal justice system, including its structure and the interactions between different courts. The U.S. court system is notably complex, comprising multiple levels and types of courts, each with specific jurisdictions and functions.

Understanding this framework will help you make informed decisions about which criminal background checks are most relevant to your hiring process.

FEDERAL COURTS

Federal courts address cases involving federal law, the U.S. Constitution, or disputes between parties from different states. For a case to be heard in federal court, it must meet specific criteria, such as involving a certain monetary threshold or crossing state lines. Examples of cases that fall under federal jurisdiction include tax evasion, mail fraud, wire fraud, bankruptcy, and drug trafficking.

STATE COURTS

State courts handle a wide variety of legal issues based on individual state laws, with each state having its own court system. Typically, this system includes trial courts, appellate courts, and a state supreme court. Trial courts manage a broad range of cases, while specialized courts like magisterial, municipal, and county courts address specific legal matters at various levels within the system. State Courts of Appeals and the State Supreme Court review decisions made by lower courts, overseeing appeals and legal challenges.

Trial courts, also known as Courts of Original Jurisdiction or Courts of Common Pleas, are the first to hear cases involving petty theft, burglary, and serious offenses like murder.

Magisterial and municipal courts handle lower-level offenses like DUI, domestic violence, and traffic violations.

County courts, within the state system, oversee cases specific to their county, such as drug possession.

Courts of Appeals, at both state and federal levels, review cases previously tried in lower courts.

Many criminal cases start in lower-level courts and may advance through appeals. While any court can serve as a source for criminal record searches, not all are included in the scope of searches by background check vendors. When designing a criminal search program, it's crucial to understand the court hierarchy, the types of cases each court handles, and which courts are searched by the vendor to ensure comprehensive background checks.

THE SURE CHECK DIFFERENCE

While plenty of background check companies offer criminal searches, Sure Check's criminal products are designed to stand out in any lineup.

MULTIPLE DATA SOURCES

At Sure Check, we strive to conduct accurate criminal searches using a combination of third-party databases, court runners, researchers, and automated solutions.

BROAD RECORD DISCOVERY

Sure Check offers a "Nationwide Criminal" search through a proprietary database. Potential records are identified and then verified with the relevant court. Only confirmed results are reported.

VARIETY OF SEARCH OPTIONS

We provide numerous methods for locating criminal records, including county, state, and federal searches, sex offender registries, and prohibited pares lists.

FAST TURNAROUND

With a range of standard, rapid, and add-on criminal search products, Sure Check enables you to create tailored search packages and receive results quickly based on your organization's needs and risk levels.

DATA TOOLS AND TECHNOLOGY

Sure Check continually enhances its search and data tools to deliver accurate, high-quality, and fast results for customers.

GLOBAL PLATFORM

With a unified global platform, Sure Check can support your needs wherever your employees are based, providing a consistent and streamlined experience worldwide.

MULTIPLE REPORTING GUIDELINES

Sure Check adheres to multiple reporting guidelines, including federal, state, and Sure Check's own standards. You can customize the results you see based on applicable laws and your specifications.

IN-DEPTH SEARCH OPTIONS

Tailor criminal history searches to your job requirements, with options like a seven-year search or extended searches for higher-risk roles, ensuring comprehensive background checks.

SURE CHECK BACKGROUND CHECK SERVICES

Sure Check offers a comprehensive range of criminal record screening tailored to meet your specific needs.

CRIMINAL RECORD SEARCHES

Sure Check provides U.S. county-level felony and misdemeanor check services, essential for comprehensive criminal background checks. Since most crimes are tried in county courts, these searches are crucial. The services can be configured to search for reportable criminal cases based on the candidate's current and past addresses, employment and education history, additional addresses found via an SSN Trace, and self-reported information. When a record is found, Sure Check typically reports charges, severity, case status, and sentencing details. Sure Check's service conducts thorough searches for criminal records directly from U.S. county courts, either electronically or in person. Leveraging an extensive network of court research professionals, Sure Check ensures comprehensive coverage across over 3,800 courthouses nationwide.

STATEWIDE CRIMINAL RECORDS SEARCH

Statewide searches broaden the criminal scope beyond county searches by checking state repositories, which may include district courts, state police, and statewide court systems that cover all counties within a state.

FEDERAL CRIMINAL RECORDS SEARCH

This search provides information on federal law violations not found at the county or state level, such as tax evasion, fraud, embezzlement, and interstate crimes.

GLOBAL CRIMINAL SEARCH

A global criminal search offers a unified solution for ordering government-sourced criminal checks worldwide, helping you assess the risk of hiring a candidate with a reportable criminal record.

NATIONWIDE CRIMINAL SEARCH

Sure Check's Nationwide Criminal Search is a comprehensive database search that taps into one of the largest aggregated U.S. criminal record databases, covering information from all 50 states. This product scans millions of records, updated daily, from diverse and unique sources to help uncover a candidate's criminal history in jurisdictions beyond their known address history. The records found in this database provide Sure Check with preliminary information to verify directly at the primary source. Only records confirmed by the primary source are reported to you.

ADDITIONAL PRODUCTS COMPLIMENTING SURE CHECK'S CRIMINAL RECORDS SERVICES

SANCTION & REGISTRY CHECKS

GLOBAL SANCTIONS AND ENFORCEMENT CHECK

This service searches international government and regulatory registries to identify restricted, sanctioned, or prohibited individuals, including Politically Exposed Persons (PEPs). It's ideal for roles involving financial responsibilities or global business activities.

SEX OFFENDER REGISTRY SEARCH

Sure Check's search checks the National Public Sex Offender Website to identify candidates listed on sex offender registries, reporting only if a candidate is listed without disclosing underlying offenses.

CIVIL RECORD SEARCHES

CIVIL UPPER AND LOWER COUNTY SEARCH

This search uncovers non-criminal lawsuits a candidate may be involved in, such as bankruptcy, negligence, or real estate disputes. It is useful for roles involving access to company records or finances.

U.S. FEDERAL CIVIL RECORDS SEARCH

Provides civil proceedings involving candidates in federal district courts, covering cases like constitutional violations or significant financial disputes.

OTHER SPECIALIZED SEARCHES

PROHIBITED PARTIES CHECK

The Prohibited Parties Check screens candidates against a proprietary database compiled from various U.S. government watch lists. This check helps identify individuals or entities who are prohibited from conducting business in the U.S., including specially designated nationals, terrorists, narcotics traffickers, and those involved in the proliferation of weapons of mass destruction

FEDERAL BANKRUPTCY SEARCH

This tool identifies bankruptcy proceedings using the candidate's name and Social Security number. It is ideal for assessing candidates' financial backgrounds.

SOCIAL SECURITY NUMBER (SSN) TRACE

This service identifies names and addresses associated with a candidate's SSN, providing information for further public records searches in relevant jurisdictions.

CHAPTER 6

LAWS & REGULATIONS AROUND CRIMINAL BACKGROUND CHECKS

In recent years, there has been a growing movement in the U.S. to give individuals with criminal records a better chance to rebuild their lives and secure employment. Through "fair chance" and "second chance" laws, the focus is on allowing those who have served their time and remained crime-free to reintegrate into society as productive members. The underlying principle is that a past criminal record shouldn't permanently hinder someone's future opportunities.

There are a few types of these laws gaining momentum in the U.S:

CLEAN SLATE

Clean Slate laws allow for the petition-based or automatic expungement of eligible criminal records for individuals who have completed their sentences and remained crime-free for a specified period.

BAN THE BOX AND FAIR CHANCE HIRING

"Ban the Box" laws remove the criminal history checkbox from job applications to reduce bias and ensure fair hiring practices. While the question may still be asked later in the hiring process, these laws vary by state and locality. The Equal Employment Opportunity Commission also provides guidance on using arrest and conviction records in employment decisions, emphasizing fair assessment of job relevance and risk.

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