

Criminal Records Searches

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Employers have a legitimate need to know whether job candidates have relevant criminal convictions and employees have a right to expect a safe and secure working environment.

The following are recommended searches employers should conduct to avoid negligent hiring lawsuits.

County Criminal Search:

The United States has more than 3,100 counties. Data Facts maintains a comprehensive network which accesses courthouse researchers and online databases for the fastest turnaround times in the industry. County Criminal Records usually include a seven year felony and misdemeanor search.

Records include:

- Jurisdiction searched
- Date and nature of offense
- Sentencing date
- Disposition
- Current status

Some states allow longer reporting periods. However, even where states only go back seven years, cases can be reported that are older if the period of custody extended into the seven year window.

Statewide Criminal Records:

Where permitted by law, criminal records are searched at the State Central Criminal Repository or an all-county search is conducted depending on availability. Some states have a "closed repository" and can only be accessed by law officials while other states require access fees. Timely reporting from each county to the state varies. Data Facts conducts statewide searches in these areas: AK, AL, AR, CO, CT, FL, GA, HI, IA, IL, IN, KY, MD, MN, MO, NC, NY, OR, SD, TN, TX (convictions only), VA, WA, WI.

Criminal Records Searches *Continued*

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National Criminal Database Search:

A broader geographic search scope than the typical 5 year search of counties of residences lived and worked. A standard 3 or 5 county background check will not typically find a record if the person has moved or committed a crime in another state. Serious offenders move from state to state and sometimes do not provide complete address history when applying for employment. The NCDS is an instant database search compiled of criminal information from multiple sources with more than 345 million records. These contain criminal records, along with the Sex Offenders Registry for 49 states, and a [social security trace \(See cautionary compliance information here\)](#).

Federal Records Search:

Data Facts can search federal court records. It is important to note that the federal court system is an entirely separate court system from county/state courts. We can provide a 5 year search of the US Federal District Court for criminal charges in a specific US District.

The US is divided into 90 federal judicial districts. Each district is divided by boundaries and with each district may lay 1 or more districts. Examples of federal crimes include: mail fraud, interstate drug trafficking, and civil rights violations. Docket information is available and will include case numbers, arrest or file dates, charge, disposition dates, disposition and sentencing.

Limitations of this information:

Employers should be aware that positive identification can be difficult due to the lack of identifiers in federal court files.

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