

# Background Check Screening Databases

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## Different Databases Combine to Promote a Comprehensive Screening

### National Crime Information Center (FBI Records)

The National Crime Information Center (NCIC) database contains 21 files, 7 files related to property (i.e., stolen articles) and 14 files related to individuals, which is maintained by the FBI and serves to automate the integration of criminal history records, including arrest information and corresponding disposition information, submitted by state, local, and federal criminal justice agencies. Each state maintains a criminal records repository and is the primary source of criminal records maintained by the FBI. Criminal history records include information about arrests, detentions, or other formal criminal charges and any dispositions of the charges such as dismissal, acquittal, conviction, sentencing, correctional supervision, release, or sealing orders. In 1999, the FBI developed and implemented the Integrated Automated Fingerprint Identification System (IAFIS), which provides automated fingerprint search capability 24 hours per day, 365 days a year. The Interstate Identification Index (III or "Triple-I") stores the criminal history records of federal offenders and records of offenders submitted by all states and territories. The FBI's III system is not a complete national database of all criminal history records in the United States. Because of inconsistent state reporting requirements, some criminal history records involve offenses that are not submitted to the FBI. **Nevertheless, the III, while far from complete, is the most comprehensive single source of criminal history information in the United States, and provides users, at a minimum, with a pointer system that assists in discovering more complete information on a person's involvement with the criminal justice system.**<sup>1</sup>

According to the FBI, the state repository is the most complete and accurate source of criminal history record information within each state. Since states maintain records that are not available at the national level (*e.g., sex offender records that do not qualify for entry into the National Sex Offender Registry file and arrests and dispositions not reported to the FBI, they have more information to identify individuals who may be unsuitable to work in a particular job*). Therefore, it is recommended that any system for performing fingerprint-based criminal history record checks on individuals encourage the submission of fingerprints through the state repository and that a state criminal history record check be performed prior to the request for a national criminal history record check.<sup>2</sup>

### Virginia Central Criminal Records Exchange (CCRE)

The Commonwealth of Virginia's Central Criminal Records Exchange is nationally recognized as a leader in maintaining a comprehensive state criminal record database, including the development of aggressive programs to deliver the most complete and accurate information and automated support programs available.<sup>3</sup> Pursuant to [§ 19.2-390](#), reports to CCRE are made by every state official or agency having the power to arrest, the sheriffs of counties, the police of cities and towns, and any other local law

<sup>1</sup> U.S. Department of Justice. Office of Attorney General. The Attorney General's Report on Criminal History Background Checks (2006). [http://www.justice.gov/olp/ag\\_bgchecks\\_report.pdf](http://www.justice.gov/olp/ag_bgchecks_report.pdf)

<sup>2</sup> U.S. Department of Justice. Interim Report on the Feasibility of Performing Fingerprint-based Criminal History Background Checks on Individuals that Participate in National Service Programs. (2009). <http://www.justice.gov/oip/docs/interim-report-nsp.pdf>

<sup>3</sup> [http://www.vsp.state.va.us/CJIS\\_CCRE.shtm#Overview%20of%20Record%20Purposes%20-%20Criminal%20Justice](http://www.vsp.state.va.us/CJIS_CCRE.shtm#Overview%20of%20Record%20Purposes%20-%20Criminal%20Justice)

enforcement officer or conservator of the peace having the power to arrest for treason, any felony, any offense punishable as a misdemeanor punishable by confinement in jail or any similar ordinance of any county, city, or town in Virginia. Records are fingerprint based. Clerks of each circuit and district court make reports with regard to any dismissal, indefinite postponement or continuance, charge pending due to mental incompetency, nolle prosequi, acquittal, or conviction with regard to any person charged with an offense.

### **Virginia's Child Abuse Registry**

The Federal Child Abuse Prevention and Treatment Act (CAPTA, [P.L. 111-320](#)), requires each state to have a child abuse registry. In Virginia, pursuant to [§ 63.2-1515](#), the child abuse registry is referred to as the "central registry." In 2012, there were 35,478 completed reports of suspected child abuse and neglect involving 52,675 children. Reports are investigated and a disposition of "founded" or "unfounded" is made. If the disposition is founded, the name of the caretaker responsible for the founded abuse or neglect is entered into the state's central registry. There were 6,365 children in founded reports in 2012.<sup>4</sup> Whether criminal charges are filed in a case of child abuse and neglect depends on the offense committed (i.e., death of a child, serious injury, sexual abuse or other illegal acts causing injury to a child are subject to criminal prosecution).

### **Why a national check beyond a state check?**

In today's transient society, it may not be a safe assumption to assume that individuals have never lived outside of the state in which they were born (or committed a crime outside a state in which they currently reside). A 2003 study of the Federal Child Safety Pilot Program<sup>5</sup> found that requiring fingerprints was both reasonably priced and worth the effort:

- FBI fingerprint checks can be completed within 24-48 hours and can be completed at a modest fee (\$18 - \$24).
- Of the more than 30,000 background checks conducted, about 6.4 percent of volunteers who sought to work with children were found to have criminal records.
- More than 25 percent of the individuals with criminal records had committed an offense in a state other than the state in which they were applying to volunteer.

### **Commercial Database Background Checks:**

The reality is that parents cannot conduct effective background checks on child care providers on their own. Even the most well motivated, well-financed parent search would still be limited to commercial databases, which the Department of Justice has said are incomplete. Not all agencies within individual states make their records available to commercial databases, nor does the FBI make its federal or state criminal records available to commercial services. In addition, the information in commercial databases may only be updated periodically.<sup>6</sup>

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<sup>4</sup> Virginia Department of Social Services (2013).

[http://www.dss.virginia.gov/files/about/reports/children/annual\\_progress\\_services/APSR2013.pdf](http://www.dss.virginia.gov/files/about/reports/children/annual_progress_services/APSR2013.pdf)

<sup>5</sup> Federal Bureau of Investigation, Criminal Justice Information Services Division. (2003). PROTECT Act pilot program [powerpoint]. [www.search.org/files/ppt/01-04Nash.ppt](http://www.search.org/files/ppt/01-04Nash.ppt)

<sup>6</sup> U.S. Department of Justice. Office of Attorney General. The Attorney General's Report on Criminal History Background Checks (2006). [http://www.justice.gov/olp/ag\\_bgchecks\\_report.pdf](http://www.justice.gov/olp/ag_bgchecks_report.pdf)