

Are Your Clients Using Federal Criminal Record Searches?

At is this point, most HR Managers and end-users recognize that county courthouse searches are still the holy grail of criminal background record searches to identify original information or to validate it. However, we see too often where this same group of users are not as well informed about Federal criminal record searches and consequently, may decide to forego them, thinking that they are sufficiently covered with the county courthouse searches. Given this reality, it may be a good time to re-educate your clients about the efficacy of conducting Federal criminal records and the value they receive by adding these searches to their background screening process. Hopefully, the information in this article will give you some of the information you need to have this conversation.

What is a Federal Criminal Record Search?

Federal criminal record searches are for crimes that are prosecuted at a federal level. These searches only include those offenses that are violations of federal law as enforced by the DHS, FBI, DEA, ATF, and other federal government agencies. It is very important to note that Federal crimes do not appear in a state or county criminal report so omitting a Federal search means that serious and significant criminal records could be missed.

Federal and national searches are not the same. National searches typically cover a collection of nationwide databases, while a Federal search specifically finds criminal records in Federal jurisdictions. Federal Criminal Searches use the US Federal Government's PACER criminal record system, which covers all 94 federal jurisdictions and includes crimes against federal employees, crimes committed on federal land, crimes that cross state lines, and other specific categories. Each state has at least one federal district and so does the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

Federal criminal record searches will not find everything that a county criminal search will and vice versa.

Federal criminal record searches are not searches of the FBI National Crime Information Center (NCIC) or Department of Justice searches. Private industries are prohibited from accessing the NCIC unless there is a statute authorizing them to have access. The NCIC is used by law enforcement agencies and private industries authorized by law (child care, financial institutions, healthcare, etc.). FBI and DOJ searches can only be conducted through positive identification such as fingerprinting.

Understanding the differences between a Federal criminal record search and a national criminal database search it is important to note that national criminal database searches are frequently used in criminal background checks to find additional "hits." Once a "hit" is identified, researchers can then follow this trail at the federal, state and county level.

What Type of Crimes May Be Reported in a Federal Criminal Record Search?

The federal crimes listed here are taken from Title 18 and Title 26 of the United States Code, among others. The following list of federal crimes is just a sampling of the many crimes that are federal violations.

- Advocating Govt
- Aggravated
- Airplane Hijacking
- Anti-racketeering
- Arson
- Assault with a
- Bank Robbery
- Blackmail
- Bombing Matters
- Bribery Crimes
- Child Abuse
- Continuing Criminal Enterprise
- Counterfeiting
- Counterintelligence Crimes
- Credit/Debit Card Fraud
- Cyber Crimes
- Domestic Terrorism
- Domestic Violence
- Drive-by Shooting
- Drug Abuse Violations
- Motor Vehicle Theft
- Drug Smuggling
- Drug Trafficking
- Embezzlement
- Extortion
- First Degree Murder
- Forcible Rape
- Forgery
- Hacking Crimes
- Harboring Terrorists
- Hate Crime Acts
- Sexual Assault
- Destroying Property with fire

Are Your Clients Using Federal Criminal Record Searches?

Federal Criminal Record Searches generally include the following information:

- District where record is recorded
- Case number
- Defendant
- Charge
- Filing date
- Degree of offense, like misdemeanor
- Disposition
- Disposition date
- Sentence

Why Are Federal Record Checks Important?

Conducting Federal criminal records checks is a very important part in putting together a complete criminal record on an individual. As stated earlier, national criminal database, state and county searches are not sufficient by themselves to identify complete criminal records because federal crimes won't be reflected in these type criminal record searches. You saw the above list of crimes that fall under federal jurisdiction and many of them are very serious crimes which a prospective employer would definitely want to know about before making a hiring decision.

The safety of your client's employees, assets and reputation is a big deal. Protecting against embezzlement, theft of real and intellectual property, identity theft, workplace violence, negligent hiring, etc. are important elements in an organization's overall risk management effort.

Prime candidates for a Federal record search are individuals applying for positions that will have broad management responsibilities, manage or provide oversight of significant organization resources, have significant signature authority for allocation of money, procuring goods and services, directly handle financial transactions as well as persons who deal with sensitive information. This may include personal identifiable information, customer information, proprietary product, services and technology information as well as other type of information critical to managing operations.

Do your client a favor and help them understand why Federal searches in administering a thorough background screening and criminal record search process for their company.