



# Do You Know Who You're Hiring?

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The tragic stories playing out in the media seemingly have no end. And while the circumstances may vary, and the news may be reported from Florida to Minnesota to California and everywhere in between, one constant remains—the perpetrators all possessed long criminal histories. In nearly all cases, the fact that they weren't behind bars in the first place is, in and of itself, highly questionable. Unfortunately, the justice system appears to have neglected true accountability as it pertains to individuals breaking the law in alarming frequency.

This lack of accountability is coupled with the disturbing trend of states enacting laws that restrict access to information typically used in preparing background check reports, including redacting information at the source, and automatically sealing convictions under Clean Slate Acts. While proponents claim these measures are about giving people a second chance, there is more to it. In fact, in some instances, any personal identifying information (PII) is removed, making it difficult to determine if the record even belongs to the applicant involved in the first place.

As the country continues to face increasing measures to put the formerly incarcerated back to work despite their past convictions, it must be balanced with (1) the legitimate concerns of the community as crime rates skyrocket and (2) the needs of employers to protect their businesses, other employees, and customers.

Employers must now consider not only if the person they are hiring has a long history of criminal propensities, but also if that candidate is even the same person he or she claims to be. Concerns that this candidate who may have been reported as “clear” may still have a criminal background plague employer, and justifiably so. Recent recidivism statistics show that within three years of release, two out of three former prisoners are rearrested\* (with more than 50% re-incarcerated).

To help alleviate this challenge, employers should get better acquainted with their background screening provider's options and processes. Asking what additional searches their provider recommends for a more complete picture of their applicants is a great start. Specifically, they should explore options surrounding social media searches, professional references, and employment verifications. Equally as important is discovering how their provider clears a record if it could be their candidate but lacks identifiers. What additional steps does the provider take to ensure it isn't their 'John Smith?'

As an industry, we must do what we can to support employers—both in more comprehensive offerings and in reminding them to pay careful attention to additional legislation, adhere to EEOC best practices, and consider the importance of proper processes, documentation, and communication to mitigate legal and financial risks. We can also continue to advocate for proper access to public records and educate the judiciary on the impacts of redacting critical information (such as dates of birth) and failing to hold individuals accountable for their crimes. We couldn't agree more with second chances, but exactly how many chances should there be before we start prioritizing the safety of others?

\* <https://www.crimeinamerica.net/offender-recidivism-and-reentry-in-the-united-states/>

## ABOUT THE AUTHOR:



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