

FROM DRUG TRAFFICKING TO EMBEZZLEMENT:

UNDERSTANDING A FEDERAL CRIMINAL SEARCH

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ASK THE EXPERT

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One of the main misunderstandings we hear from our background screening clients is in regards to criminal records searches. Specifically, what is and is not included in a criminal search.

Criminal activity prosecuted in Federal District Courts typically involves **violations of the Constitution or other federal law.**



Did You Know?

Almost **half a million** people have been convicted of federal crimes.

FACT: There is no complete, single source report that contains all the criminal history information.

“*It’s a little-known fact that a criminal record may ONLY be found if the correct court is checked, because different crimes are held in different places. Maintaining and organizing criminal records is the responsibility of each individual state. Every court has its own method of recording and storing the arrest and conviction information. Codes and terminology are not always standard. Not all states allow the information to be compiled into one place. Most companies run a county criminal search in the county the applicant resides, and maybe a nationwide criminal database search. While this seems complete, an important piece of the puzzle is being left out, which is a federal criminal search.*”

FACT: The Federal Court is completely different from county or state courts.

“*Federal Court is an entirely different animal than county or state courts, AND federal information is held in different places from other crimes. These records contain the crimes logged in the U.S. Federal District Court for criminal charges in a specific US District. There is no overlap between Federal Courts and other courts.*”

The **Federal Court System is divided into 94 District Courts and 13 Circuit Courts**. Each district is divided by boundaries. Federal criminal charges* are initiated by the government, usually through the U.S. attorney's office in coordination with a law enforcement agency.

EXAMPLES OF FEDERAL CRIMES:

- ✓ Mail Fraud
- ✓ Drug Trafficking
- ✓ Civil Rights Violations
- ✓ Commissions of crimes across state lines
- ✓ Credit Card Fraud
- ✓ Bank Robbery
- ✓ Immigration Issues
- ✓ Kidnapping
- ✓ Embezzlement
- ✓ Crimes committed on federal land

*Federal charges can only be found with a federal criminal search - they will not show up in county, state, or database searches.



Did You Know?

Four billion dollars is lost every year from embezzlement!

FACT: Information from Federal Courts is not included in any of the nationwide databases.

“ Federal crimes won't be uncovered with a Nationwide Criminal Database Search. While it's smart to order a database search when you're performing a background check, they aren't complete with every conviction in every county, state, and Federal district. The only way to uncover federal crimes is by ordering a Federal Criminal Records Search. ”

FACT: Certain industries should be searching federal criminal records as part of their background screening process.

“ There are instances when every industry could benefit using Federal Criminal Records Searches for pre-employment screening. However, the healthcare, financial, and transportation industries are ones that should add the search if they aren't screening with it already. Businesses that work with the federal government as vendors should also use it as part of their employee screening reports. ”

CONCLUSION

Certain types of crimes are federal crimes that won't be uncovered with typical background screening searches of county or state records. In addition, national criminal database searches won't find them, either. That's why it's vital, especially in certain industries, to order federal criminal records searches as part of the overall background screening process.



JOHN MCTIGHE

McTighe has over 25 years professional experience in the industry and is an active member of several industry associations including the Professional Background Screening Association (PBSA, formerly known as the NAPBS), the National Consumer Reporting Association (NCRA), and the Society for Human Resource Management (SHRM). McTighe is a frequent speaker on the background screening industry and screening best practices at human resources events around the country. John proudly holds an Advanced FCRA certification.

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