



FBI Responds to Flaws in Background Check Database

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Last month we learned that Bobby Scott, D-Va., chairman of the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, introduced the 2010 Fairness and Accuracy in Employment Background Checks Act in response to a June 2006 report from the attorney general that showed nearly **50 percent of criminal records maintained in the NCIC background check database failed to note court decisions to dismiss arrests.**

The New York Times was particularly critical of the FBI's Daniel D. Roberts, Assistant Director of Criminal Justice wrote a letter of response to the publication. See below.

To the Editor:

In a May 27 editorial ("Check It Again"), you discussed the accuracy of data the Federal Bureau of Investigation relies on when doing criminal records checks. The F.B.I. takes its role as a central repository for criminal justice information very seriously, but must rely on the voluntary submissions of criminal history records supplied by local, state, tribal and federal law enforcement agencies, and the courts, for the overwhelming majority of its information.

While the F.B.I. appreciates this support, vital data often fails to get to the bureau in a timely way because of the time lag in criminal prosecutions. To help find ways to capture this information more efficiently, the F.B.I. formed an interagency task force to identify problem areas in states' disposition reporting and methods to improve the system. The F.B.I. also oversees another task force to improve the flow of criminal history information from the courts to the state repositories and then to the F.B.I.

The F.B.I. is also working on internal improvements, including the Next Generation Identification program, an upgrade to the existing fingerprint identification system, which will improve disposition reporting, while a related initiative will enable efficient electronic updates.

Through advances in technology and the continued cooperation of our partners, the F.B.I. hopes to clear the way for additional improvements in the completeness of the background check information we provide.

Daniel D. Roberts

Assistant Director, Criminal Justice

Information Services Division, F.B.I.

Washington, June 2, 2010

While the letter is very open, honest and insightful we still caution employers that there many holes in the FBI's criminal record database. Past studies have shown that it includes only 55% of all criminal records from across the county and the FBI is the first to admit that the database was not created our intended for employment screening purposes. However, some organizations and industries are required to perform criminal background checks through this resource. **In addition to the fact that the database is incomplete, it also contains information that cannot be used in a hiring decision such as arrest records, charges that do not result in convictions, etc.**