



2020-06

**NATIONAL SHERIFFS' ASSOCIATION SUPPORTS THE USE OF
NON-GOVERNMENTAL ENTITIES AS AN OPTION FOR EMPLOYMENT
BACKGROUND CHECKS**

WHEREAS, the best use of the FBI database is as a starting point for reviewing criminal records with its initial intent to provide law enforcement with investigative leads based on fingerprint evidence, and not to produce employment screening reports; and,

WHEREAS, a 2015 Government Accountability Office report highlighted missing information in state records, with 10 states reporting that their databases were 50 percent complete or less, 13 states reporting between 75 percent and 50 percent complete, and only 20 states reporting 76-100 percent complete. Seven states did not have any data available; and,

WHEREAS, when a criminal background check is done by a non-governmental entity, that search is protected by the federal Fair Credit Reporting Act (FCRA) and state FCRA laws, requiring reasonable procedures to ensure maximum possible accuracy, and requiring substantial systems to correct any inaccuracies that occur;

NOW THEREFORE, BE IT RESOLVED, that for the purposes of employment and not law enforcement activities, a comprehensive review of an initial and continuous criminal background check conducted by a non-governmental entity that includes at a minimum:

- Social Security number trace
- Nationwide criminal search
- County court records search
- Federal criminal search
- US Department of Justice 50-state sex offender registry search
- Continuous criminal monitoring, daily monitoring and immediate notification of any disqualifying criminal convictions

is deemed by the National Sheriffs' Association to be a sufficient employment screening report for employment purposes.