

# Navigating the Maze of Criminal Records Retrieval - Updated

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A check of criminal records is standard procedure when due diligence research is conducted on individuals. However, even in this age of instant access to digitized information, old fashioned "gum shoe" techniques usually must be relied upon for the research of criminal records. This article will discuss how criminal records are maintained and the alternatives available for retrieval.

## **The Mythical Nationwide Criminal Records Check**

There is no such thing as a national criminal records check. There is one "nationwide" criminal database, the FBI database, which is known as the NCIC (National Crime Information Center). The FBI database is NOT public record and cannot be legally accessed by anyone other than criminal justice agencies. There are strict penalties for unauthorized access to this data, and there are penalties for buying information that is illegally obtained. In spite of the fact that unauthorized access to NCIC is illegal, there is an enormous black market for this information. The information is often obtained by individuals who were formerly in law enforcement and who have a "good old boy" network of associates who have access to NCIC. And, even if FBI records were available as public record, it would not be possible to obtain a true nationwide criminal search without submitting a fingerprint card, as Interstate Identification Index (the non-fingerprint NCIC database) only receives data from twenty two states.

There are thousands of separate criminal indexes maintained at the county, parish, township, and city levels throughout the United States. To conduct a nationwide search would require accessing each individual index. Obviously, this would be difficult, time consuming, and prohibitively expensive. While there are numerous investigative firms advertising that they provide "Comprehensive Nationwide Criminal Records," it is obvious that what they are advertising is too good to be true.

## **Statewide Criminal Checks**

It is possible to search statewide for criminal records in 29 states. From a practical perspective, a county level check may be a better option even though a particular state may have a publicly available statewide index, as it may take weeks or months to

receive the information. Also, the state criminal indexes receive their data from the counties. If a county fails to report criminal data to the state, the statewide index may not be complete. The most thorough approach is to search both the statewide index and at the county level in the counties where the subject has lived.

Statewide searches are available within 3 to 5 days in Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Minnesota, Missouri, Montana, New Jersey, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Washington and Wisconsin. However, some of these states may require a signed release, and do not provide a complete history of felonies and misdemeanors.

A word of warning about statewide criminal records...some commercial public records vendors claiming to provide statewide criminal records are actually providing statewide *inmate* searches, and calling them criminal searches. If the subject has been placed on probation, released from prison, or is sentenced to the county jail rather than state prison, the search will yield a "no record." Prisoner locator services are available free from the states' corrections or prisons departments, and online inmate locator searches for several states can be found at the [Corrections Connections site](#).

## County Level Criminal Checks

Checking criminal court records at the county level is the method used in most parts of the country. In some counties felony and misdemeanor records are maintained in a combined index, in others felonies and misdemeanor records must be checked separately. BRB Publications' [Sourcebook To Public Records Information](#) provides detailed descriptions of each jurisdiction, which can be extremely helpful in determining which court or courts should be checked for felonies and misdemeanors. This sourcebook is also available online for an annual subscription fee.

## US District Courts

Many of the US District Courts provide access to criminal cases via [PACER](#), the online federal court docket system. However, the inclusion dates available at many of the courts are limited, i.e., the records may not go back as far as you need. Also, the online dockets do not contain identifying information regarding defendants, so additional research is required.

## How Records Are Recorded

How records are maintained at the federal, state and county level has been discussed. It is also important to understand how the records are recorded. It is not possible to "plug in" someone's Social Security number into a criminal records database and find all the criminal convictions pertaining to that individual. Criminal records are indexed by the name of the defendant. Therefore, getting the correct spelling of the name is critical to

obtaining accurate results. If the person had a former name, that name should also be checked. In those jurisdictions where the clerk of court will be performing the research, a full date of birth is usually required.

While the majority of jurisdictions have computerized their criminal records, most do not allow off-site access. Therefore, a researcher must be physically dispatched to the courthouse to search the public access terminals. Many courts do not even offer public access terminals, as they have not developed systems that separate public records data from nonpublic records. Therefore, the researcher may have to submit the request to the clerk and return in a day or two for the results. The court may provide access to its criminal docket index (often in books or microfiche). However, the index usually contains nothing more than dates, case numbers and names of defendants. If the subject has a common name many records will be found for that name that have nothing to do with the subject. Therefore, all case files found on the index with the same name must be examined for a match to date of birth, and sometimes Social Security number or driver's license number. It will also be necessary to examine the case files to determine the charges and the dispositions.

The large online public records vendors provide online access to county criminal court records in some jurisdictions in California, Arizona and Texas. However, in many locations the only information available is name of defendant, case number, and date. Penal code violations may or may not be listed, and disposition is rarely included. If a record is found a court runner will still have to be sent to the courthouse to find out whether the record is relevant to the subject and the disposition. Therefore, the county criminal court records searches available via most online commercial public records vendors should be regarded only as a tool to rule out the existence of a criminal record.

### **How to Obtain the Information**

In the majority of jurisdictions, a human being must be injected into the process in order to research criminal records. Many of the large public records vendors offer on-site court searches that enable the user to request the search online and to retrieve the results online when the results become available, usually within two to ten business days. However, this is the least cost effective way to obtain the information. The large vendors contract with large outside firms, who also subcontract the research to smaller outside firms. With each step the cost is marked up as much as 100%. Also, the information will not be returned for several days after the research is conducted, as the results must work their way back through the "information food chain" before they are finally ready for retrieval by the user.

Some courts will perform a free check over the phone. However, the information should not be relied upon, as the clerk answering the phone may or may not provide correct or complete information. Most courts will respond to written requests. However, it can sometimes take weeks or even months to get the results back.

The optimum way to obtain the information as quickly and inexpensively as possible is to develop a network of “court runners” in locations where research is required on a regular basis. Another alternative is to sign up with a good on-site public records research company that has its own nationwide network court runners. The price will be higher than with your own network, but will be much lower than buying from one of the large commercial online public records vendors and turnaround will be considerably faster. One of the very best of these on-site research firms is [Accurate Background Checks, Inc.](#) They have a nationwide network of skilled court researchers and have extensive quality control procedures in place.

[Choicepoint](#) has recently added 28 statewide criminal checks to their list of services. As per the [IRSG \(Individual Reference Service Group\) principles](#) these records may only be used for the purposes defined as “appropriate,” and may not be obtained from Choicepoint for pre-employment screening, consumer credit purposes, insurance underwriting, or tenant screening.

Some of these databases include felony convictions only, so it is important to check with Customer Service to find out what’s included. (The help screens are not explicit.) These statewide searches are excellent for due diligence research, when you want to “throw out a wide net,” but are not a substitute for county level searches.

In the past few years a number of state and county governments have started making criminal records available to the public via the Internet. A comprehensive list of online criminal court records can be found at the [Pacific Information Resources site](#). Some of these sites are free. For example, criminal records are available free of charge from [eight Oklahoma counties](#). While the Oklahoma site includes defendant identifiers, most of the free sites do not.

Some state and local governmental agencies have discovered that “there’s gold in them thar records.” The Marion County Sheriff’s Department and the Indianapolis Police Department make criminal histories available at \$15.00 per search on [their web site](#). A statewide criminal check is available for \$25.00 per name from the [South Carolina Law Enforcement Division](#).

The US Department of Justice conducted a survey of prison inmates in 1991. They found that crimes were usually committed near the criminals’ homes and that 43% of inmates were in prison for crimes committed in their own neighborhoods. If the subject is a criminal it is likely that a record will be uncovered when all jurisdictions where he or she has lived are checked. However, crimes committed in another county or state will probably not be found. Arcane and fragmented record keeping systems can make criminal searches seem like navigating through a maze and shoe leather is still required to research criminal records in most locations. However, more online criminal records may become available as governmental agencies discover that they can make money by selling the records online.