

Understanding Criminal Background Checks Part 2

Last month we discussed the basics of criminal records searches. This month we'll take a deeper dive to cover more things you should know.



Expungements

Several states have laws that empower their residents to expunge certain criminal records. These are typically non-violent, lower-level offenses. Actions that have been decriminalized, such as marijuana usage, are also generally eligible for expunction.

When an individual has records expunged, they are granted the right to act as if the offense never happened. Those records are not available to the public, even to employers. Organizations are not to consider expunged records when making hiring decisions.

Working with an accredited Consumer Reporting Agency (CRA) like Backgrounds Online protects you from inadvertently reviewing records that have been sealed. We take all reasonable steps to ensure the background checks we provide only contain current, accurate data that you can use to make informed decisions and maintain safe workplaces.

Arrests Without Convictions

There are a number of reasons an arrest might not have led to a conviction, such as:

- The individual was found not guilty
- A plea bargain was accepted
- The case has been unresolved for a long period of time

Other than law enforcement, most industries do not review arrest records. Backgrounds Online does not include them in our reports.



Pending Cases

Due to long court delays caused by the COVID pandemic, we've seen a significant increase in pending criminal cases. While these records can be reviewed, it is important to keep in mind that the cases have not been resolved.

We recommend consulting with legal counsel to create a policy on how you will handle records associated with pending criminal cases.

Second Chance Laws

Numerous cities and states have "Second Chance" laws in effect that specify when background checks may be run. Some take it a step further by requiring employers to individually assess any criminal records that are found during a screening. In general, these bills ask hiring managers to consider whether the offense is relevant to the position.

Make sure your team is aware of and compliant with Second Chance laws if they are in place where you operate.



Annual Screenings

It's good to keep in mind that your existing employees can incur a new criminal record after their initial background screening. If this happens, you might need to assess the offense to determine if it disqualifies them from continued employment. By using our Annual Screening Dashboard feature, you can easily schedule recurring criminal background checks on a yearly or monthly basis. It's a simple way to demonstrate due diligence and protect your business.

Have Questions?

If you have questions about criminal records, background checks or anything related, please contact us. Our experienced team can help you customize screening packages and address your specific needs. We are available to assist you Monday through Friday from 5am to 6pm PT.