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Background Checks: What Are You Really Getting?



Photos: Rachel Wilson



Background Checks: What Are You Really Getting?

by Chris Dorn

This article is based on research for the author's upcoming university textbook "Extreme Violence – Preventing and Preparing for Active Shooter, Active Killer, Hate Crime and Terrorism Events"

One way to prevent a potential school safety incident is through the use of appropriate and reasonably thorough background checks for school employees. Criminal history checks – commonly referred to as background checks – are only one part of a proper employee screening process. School officials should never assume that the lack of a criminal record means that a person is not a risk. The recent horrific attack in Las Vegas is just one of many examples of an attack carried out by a person with no criminal record. With this important limitation in mind, schools should carefully consider how and when background checks are conducted for volunteers, vendors, and anyone else who has unescorted access to the school and students.

1. Not all Background Checks are Created Equal

Our analysts have been through background checks required by many of our clients. In some cases, we were fingerprinted by municipal, county, school district and state law enforcement agencies. In other instances, the fingerprinting was performed at small businesses. Some of these businesses have been located in private homes or mixed-service businesses. Whichever option you use, it is very important for those conducting the background check to take reasonable steps to verify the identity of

those being screened. It is not unusual for college students to acquire fake identification cards that look real to the casual observer. Verifying an ID can be particularly challenging if the identification card is from another state or country. Many law enforcement and some school security officers carry annually updated guidebooks that help officers spot fake identification cards.

The best services, no matter where they are operated from, include a thorough check of any jurisdiction where the applicant lived or worked for the past several years. The exact number of years should at least meet the minimum standards established by your state's statutory requirements, but exceeding the standard with longer time frames is not a bad idea. The check should also include a check of state and federal criminal records as well as state and/or national sex offender databases as applicable.

One question to ask potential background check vendors is if they include paper records in their search or only digitized records. Some jurisdictions have not yet digitized all of their records and require an in-person check by the background vendor. This means that some criminal records searches are limited to the jurisdictions with electronic files.

2. The Quality of Your Screening is Only as Good as the Information It is Based on

While it can sometimes be hard to find the right vendor, it is ideal if the process includes a fingerprint-based background check that uses two or more forms of ID to verify the applicant's identity. The search should also include local, state and federal agencies in each jurisdiction. While some regions have limitations on what can be done for background checks, the closer to these efforts you can get, the greater the probability that you will uncover conviction information that would be of concern.

Check with your local law enforcement agencies and see if there are any agencies that can fingerprint applicants and volunteers, and the limitations they may have. In some cases, this type of search might be more thorough but may be limited to local or state databases and thus could be combined with screening from a private vendor. Some schools use a private vendor for an instant screening while also performing a more thorough fingerprint check that may take several weeks to process through their state law enforcement agency.

3. Learn and Understand the Limitations of Background Checks

While most people assume that a background check will find all criminal records, even excellent quality background



checks have limitations. For example, in some states like Washington, statutory requirements limit background checks to felony convictions only. This means that an applicant may have many arrests for felonies that did not result in convictions. This type of check can also miss misdemeanor convictions that can be a red flag for sexual predators, such as charges related to furnishing alcohol to minors. In addition, it is not uncommon for criminal justice agencies to make mistakes in furnishing conviction information. This was one of the reasons that a man who was prohibited from legally buying a gun was able to pass an FBI background check before carrying out the deadly church shooting in Charleston, South Carolina. In this case, errors by an FBI employee and local law enforcement officials allowed an individual who had a conviction to purchase a gun. This is another reason why school officials should not rely solely on background checks to detect applicants who are dangerous.

4. Make Sure You Cast a Wide Enough Net

While it might be obvious to screen teachers and other employees who have students under their care, we sometimes see gaps in the screening processes at schools. When you are setting policy on who should be screened, consider the following:

- Employees, including certified, contract and temporary employees
- Student teachers
- Volunteers who are alone with students or have close

- contact with students
- Chaperones for field trips
- Vendors, contractors or delivery staff who are not escorted
- Anyone else who will be working in the school or near students but will not be escorted

If people will be exempted from background checks because they will be escorted, it is extremely important that this policy actually be followed. We have encountered multiple situations where a client's policies required our analysts to be escorted but administrators and other staff allowed us to conduct school security assessments without escorting us. When reviewing your vendor and contractor screening, the easiest way to do this is to contract only with companies that agree to meet, or already meet, your level of screening for their employees.

As contractors and practitioners our analysts have been screened numerous times through each of the above types of processes. On one project, we had to require more than thirty of our analysts to drive as far as two hours round trip to the nearest approved screening service for the state we were working in. While it can sometimes be inconvenient, we are always happy to comply because we are glad to see the client taking such a thorough and consistent approach to their screening.

5. Remember to Re-screen Periodically

Some states, like Oregon, require periodic background screening to maintain a teacher's license (but not

employees without a teaching license). In other states, schools are required to conduct additional background checks periodically. Typically, the onus falls upon the school to verify if this is done. It is also a good idea to have an arrest reporting clause in your employment agreement. In any case, it is a good idea to require periodic re-screening for all employees and others who require a background check. The exact time period should be determined based on how many employees you have and available resources to process re-screenings.

Conclusion

While this may seem to be burdensome and expensive, exceeding the standard of care by requiring this can not only prevent tragic outcomes, but can be less expensive over time. Pre-employment screening and background checks are only one tool of the many that we use. When used effectively, pre-employment screening and background checks can be a valuable tool.

Chris Dorn is a Senior Analyst with Safe Havens International and co-author of "Innocent Targets: When Terrorism Comes to School". Whether or not you realize it, you have probably seen Chris Dorn before. With hundreds of thousands of views on the Internet and countless news, talk show and even motion picture appearances, Chris' concealed weapons demonstrations have raised awareness about the problem of weapons in our schools for the past 15 years. His concealed weapons demonstration became a viral video before the term even existed.



What's Wrong With This Photo?

This is an example of a work area with an inappropriate level of privacy for a school. While there is a small area of the window that is not covered, the placement of furniture and paper over the windows in this room make it difficult to deny wrongdoing if a student or other individual makes an accusation of impropriety. Depending on the activities taking place in this room, strategies can be developed to provide appropriate levels of privacy while also allowing for adequate visibility into the room. For example, sensitive information or computer screens can be stored and accessed in an area out of view of the window. For guidance counseling offices or witness interview rooms used by SROs, seating arrangements can be designed to leave the staff member in view of a window while providing privacy for the person they are speaking with or interviewing.



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