

Why GAO Did This Study

Authorized employers use information from FBI criminal history record checks to assess a person's suitability for employment or to obtain a license. States create criminal records and the FBI facilitates access to these records by other states for nationwide checks. GAO was asked to assess efforts to address concerns about incomplete records, among other things.

This report addresses to what extent (1) states conduct FBI record checks for selected employment sectors and face any challenges; (2) states have improved the completeness of records, and remaining challenges that federal agencies can help mitigate; and (3) private companies conduct criminal record checks, the benefits those checks provide to employers, and any related challenges.

GAO analyzed laws and regulations used to conduct criminal record checks and assessed the completeness of records; conducted a nationwide survey, which generated responses from 47 states and the District of Columbia; and interviewed officials that manage checks from the FBI and 4 states (California, Florida, Idaho, and Washington). GAO selected states based on geographic location and other factors.

What GAO Recommends

GAO recommends, among other things, that the FBI establish plans with time frames for completing the Disposition Task Force's remaining goals. The Department of Justice concurred with all of GAO's recommendations.

View [GAO-15-162](#). For more information, contact David C. Maurer at (202) 512-9627 or maurerd@gao.gov

CRIMINAL HISTORY RECORDS

Additional Actions Could Enhance the Completeness of Records Used For Employment-Related Background Checks

What GAO Found

Most states that responded to GAO's nationwide survey reported conducting Federal Bureau of Investigation (FBI) criminal history record checks for individuals working with vulnerable populations—such as children and the elderly—and other employment sectors that GAO reviewed (see fig. below). States that did not conduct FBI record checks said this was because the state lacked a designated agency to review check results, among other challenges. In 2006, the Attorney General proposed that nongovernmental entities also serve in this role but noted that this would require considerations about securing data and protecting personal information.

States Conducting FBI Criminal Record Checks for Selected Employment Sectors



Source: GAO analysis of national survey of state and District of Columbia record repositories. | GAO-15-162

States have improved the completeness of criminal history records used for FBI checks—more records now contain both the arrest and final disposition (e.g., a conviction)—but there are still gaps. Twenty states reported that more than 75 percent of their arrest records had dispositions in 2012, up from 16 states in 2006. Incomplete records can delay checks and affect applicants seeking employment. The Department of Justice has helped states improve the completeness of records through grant funding and other resources, but challenges remain. For example, the FBI's Advisory Policy Board—which includes representatives from federal, state, and local criminal justice agencies—created a Disposition Task Force in 2009 to address issues regarding disposition reporting, among other things. The task force has taken actions to better measure the completeness of state records and identify state requirements for reporting disposition information. However, the task force does not have plans with time frames for completing remaining goals, such as examining and recommending improvements in national standards for collecting and reporting disposition information.

According to stakeholders GAO contacted, the use of private companies to conduct criminal history record checks appears to be increasing because of employer demand and can provide benefits, such as faster response times. Federal agencies regulate these companies and have settled complaints, such as in cases where the wrong records were sent to employers. Private companies can face challenges in obtaining complete and accurate records, in part because not all states make their criminal record information accessible for private companies to search.