



Peeling Back the Criminal Onion

The Onion

There is a misconception between employers and their Human Resource professionals that a National or Nationwide criminal inquiry yields all criminal history information on a subject. Those that only utilize these search methods are potentially lacking key criminal data on their prospective employees. Therefore, it's imperative for employers to peel back the four layers of criminal information available for each subject. County, State, Federal, and International each provide different levels of detail and information about an individual's criminal history.

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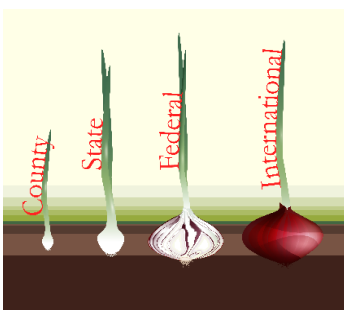
County and State Criminal

County criminal searches are the most common level of inquiry; however, they only cover a specific jurisdiction within a state, and therefore, may not capture all convictions. For example, in New York, misdemeanor cases are heard at the local, town, or city court level, which means that a County criminal inquiry in New York only provides information on felony convictions, and the vast majority of misdemeanors are not captured. While employers may believe that obtaining information on felonies is enough, some convictions such as operating under the influence, endangering a child, criminal possession of a weapon, and more are classified as misdemeanors, and these may not be captured by a County criminal search. Therefore, employers need to be aware of their State's court record system to determine if a County criminal search is adequate.

A Statewide criminal search is a better alternative, but is only available in New York, New Jersey, Vermont, and North Carolina. State criminal searches capture both misdemeanors and felonies, however, in some states like New York, the NYS Office of Court Administration (OCA) fee can be too expensive to pay for each name. This is why Commercial Investigations LLC developed Cursory Indicator New York, a proprietary New York State criminal search. Cursory Indicator New York is a cursory view of a subject's criminal history, and if there is no adverse information found, the search is compliant, and there is no need to run the NYS OCA search or incur additional costs. To capture New York State criminal history for the most valuable price, Cursory Indicator NY is the best possible method. Of course, the criminal onion doesn't stop at County and State criminal inquiries either.

Federal and International Criminal

While underutilized by most employers, Federal criminal inquiries are an important component for job positions that deal with crossing state lines or those that require a genuine level of trust. Federal criminal inquiries cover Federal jurisdictions and of course, search for Federal offenses. Upper level positions, those dealing with children, and anything crossing state lines, should have a Federal criminal inquiry included in their background investigation.



International criminal inquiries get complicated rapidly. Each country has their own set of laws for how data is obtained, in addition to the different court fees. Therefore, it is best practice to have a professional background investigation provider complete these inquiries on behalf of the employer.

Each of these levels searches for different information, in a variety of different places. Not knowing where your data comes from can be the difference between hiring a career-long employee, or having a PR disaster. Protect your business by continuing to educate yourself on the layers of criminal records available in a background investigation.



Due Diligence: Coco Did *WHAT* Again?

Meet Due Diligence... Last Scene From Due

Sue and Justin needed some advice from Duey about continuing to run the inquiries they typically search, as the turnaround time has been taking longer than expected. Meanwhile, Coco is due in court for her charges from Duey and Prue's wedding...

Coco Did *WHAT* Again?

"But do we HAVE to go, Duey? It's already embarrassing enough that it happened at our wedding in front of all of our friends and family," whined Prue.

"I know what my mother did was uncool, and I feel embarrassed too. I wanted everyone to remember our wedding for it being the most rad in town, and to forever cherish our love of course, but now I fear that anytime anyone thinks of it they will just remember how my mother essentially drugged everyone," responded Duey. "But I need to be there with my dad and support her. I told you, you don't have to come."

Duey and Prue walked into their favorite restaurant to meet up with Justin and Sue for lunch.

"So remind me again Duey," Sue started, "What was Coco charged with for her crazy wedding escapades?"

You Forgot



"Well, there's the aggravated criminal sale of cannabis charge, which is a Class C Felony, as well as a criminal possession of cannabis in the first degree charge, which is a Class D Felony," Duey replied.

"And how could you forget the last one?" Sue interrupted.

"Oh yeah, and a Class A Misdemeanor for endangering the welfare of a child charge, because Prue's seven-year-old niece unknowingly ate the Jordan Almonds as well..." Duey finished.

After a couple of moments of awkward silence, Sue comes up with a question to ask Duey that will hopefully get their minds off the fact that they're about to find out whether his mother will go to jail.

"Say, would this come up on Coco's background investigation, should she apply for a job anytime soon?" Sue asked.

"Oh it would indeed, Sue, and maybe even in multiple different inquiries. New York State has many different levels of criminal data. In the case of Coco's charges, the two felonies will likely only be found in county court, and the misdemeanor will likely only be found in a lower court - such as town or city court, because county courts do not hear misdemeanor cases in New York," Duey said.

"So if we were only to run a county search on one of our applicants, and they have a misdemeanor charge, we may never know about it?" asked Justin.

"That's right Justin. In fact, Commercial Investigations has helped us capture multiple misdemeanors that county criminal record searches in New York did not." Duey replied.

"What do you mean, the county courts don't capture all misdemeanor information on a subject? Is that even possible?" Justin asked.

"Unfortunately, it is. Like I said earlier, county courts in New York usually do not retain misdemeanor cases, only felony records. Commercial Investigations has caught misdemeanors as serious as Criminal Possession of a Weapon, Operating a Motor Vehicle Under the Influence, Criminal Possession of a Controlled Substance, and more," Duey said.

Just as they get into the conversation, Prue realizes the time and lets out an almost terrifying scream.

"Uh oh! We need to get going. CAN WE GET OUR CHECK PLEASE?" Prue exclaimed.

They all pile into one car and head over to find out Coco's future, as Frank Sinatra's Fly Me To The Moon plays in the background, ironically, just like the wedding.

Is everything going to be alright with Prue?

Will Coco go to jail and have a conviction record?

Does Justin understand the criminal history levels in NY?

Find out in the next issue!

For more about the Levels of Criminal History in New York State, Scan The QR Code Below



Guardian's Travels: Where are all the Misdemeanors?

While out on his morning fly, Guardian overheard a team of Human Resource professionals discussing the effectiveness of their background investigations. "We're fine," one of them said, "We run county criminal searches in New York, and we get misdemeanors," she finished.

Guardian knew this team was about to fall into the same trap so many other employers do. "I need to get over there and help before it's too late!" Guardian said as he swooped down. On his way down, he could see what floor the HR team was on, but the window was sealed shut.

Guardian was forced to walk through the front door and take the elevator up to the correct floor.

"Who or what are you!?" asked a unison of voices stepping out of the elevator that just arrived.

"Guardian's the name, educating employers on background investigations is the game. Say, can any of you tell me which floor HR is on?" Guardian asked.

One of the employees looked perplexed but answered "three," and Guardian stepped in to take the ride up.

Once at the right floor, Guardian flew over desks and copiers to get to the HR team. "Excuse me, but I couldn't help overhearing you talking about county criminal searches in New York. It may seem like they are obtaining all misdemeanors, but that isn't true," Guardian said.

"What do you mean?" The HR lead asked, "We saw one misdemeanor on a report last week."

Guardian replied "Maybe you did, but the only reason for that is because the offense started as a felony, but was pled down and closed all in the county court. That sometimes happens, but the majority of misdemeanors are heard at the local, town, and city level, not the county courts."

"Wait, so you're saying county criminal searches in New York don't obtain all misdemeanors?" Another HR member asked.

"That's correct, I've seen convictions as bad as possession of a weapon and endangering a child not caught by a county criminal search, because the case was heard at a lower level," Guardian explained.

"So what do we do? How can we get all criminal information on a subject?" The HR leader asked.



"You could use the NYS OCA state search, but that method can quickly get exceptionally expensive. The best choice is to use Cursory Indicator NY from Commercial Investigations LLC. Cursory Indicator NY is able to take a preliminary look at the subject's criminal history, and if there is no adverse information, the search is compliant. Using this method, you are able to obtain all criminal history for the most valuable price," Guardian said.

"Wow, thank you! What would we have done without your help today?" The HR team asked.

"Don't mention it, I'll always be on the lookout for opportunities to educate employers," Guardian said as he began his trip back down the elevator to continue his morning fly.

Spotlight: 2022 CommunityVotes

At the end of last year, Commercial Investigations LLC had the privilege of being nominated for the Best Private Investigator category by CommunityVotes - Albany.

CommunityVotes is an organization that helps community members recognize their local businesses for all of the magnificent work they do to maintain a safe and enjoyable community to live and work in.



Standing alongside other extraordinary individuals and companies in our community, CI was honored to have received the Platinum Award in the Private Investigator category. We appreciate each and every person who took the time to vote for us and are equally appreciative of our staff who make it all happen.

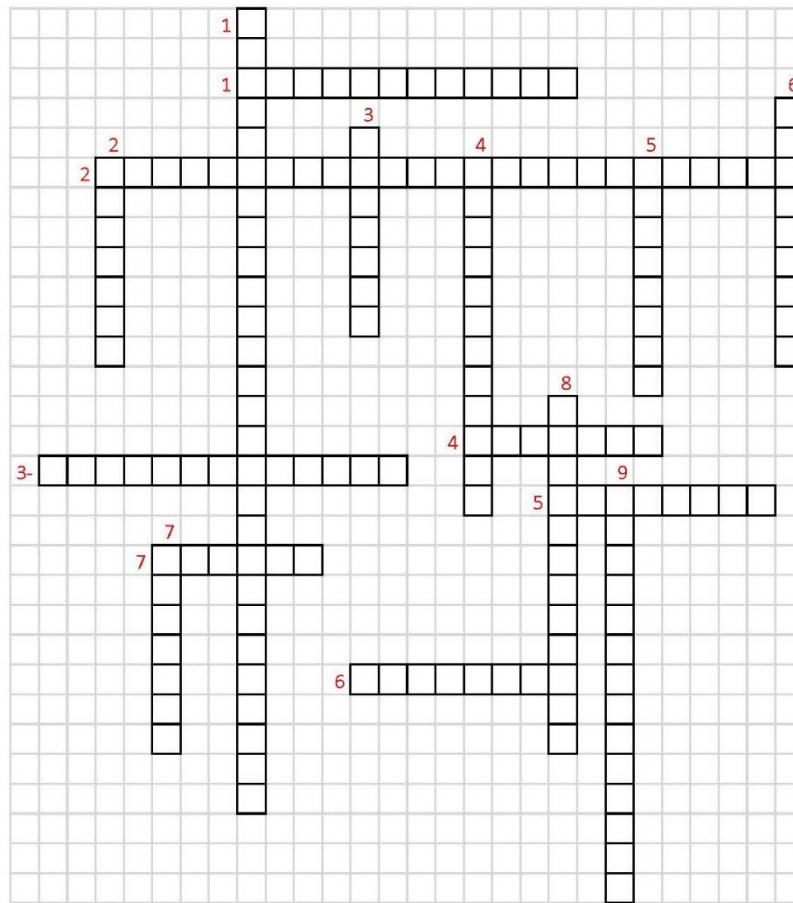
The hard work and dedication our team puts forth each and every day allows us to continue to provide, not only the best products to our clients but, the best customer service. We look forward to continuing to serve and protect our community for many more years to come.

Scan the QR Code to learn more!



DOWN

1. Your Proactive Truth Partner
2. A bundle of inquiries that clients can customize to ensure the correct searches are being performed
3. The individual the background Investigation is being performed on
4. The process of establishing the truth, accuracy or validity of an inquiry
5. The most common type of inquiry that we run at CI
6. Laws prohibiting employers from requesting criminal history on the job application
7. Our name for the amazing businesses we provide background investigations for
8. The process of recording all necessary steps taken during a hiring decision to show compliance
9. The amount of time it takes to complete a background investigation report



ACROSS

1. President and Owner of Commercial Investigations LLC
2. The process of gathering and verifying information directly from where the information originated
3. When our team needs to verify information that is out of the USA, it is classified as
4. Each individual component of a background investigation is called
5. Organized collection of structured information or data
6. Our traveling mascot in the CI Times
7. The name for CI's proprietary software



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