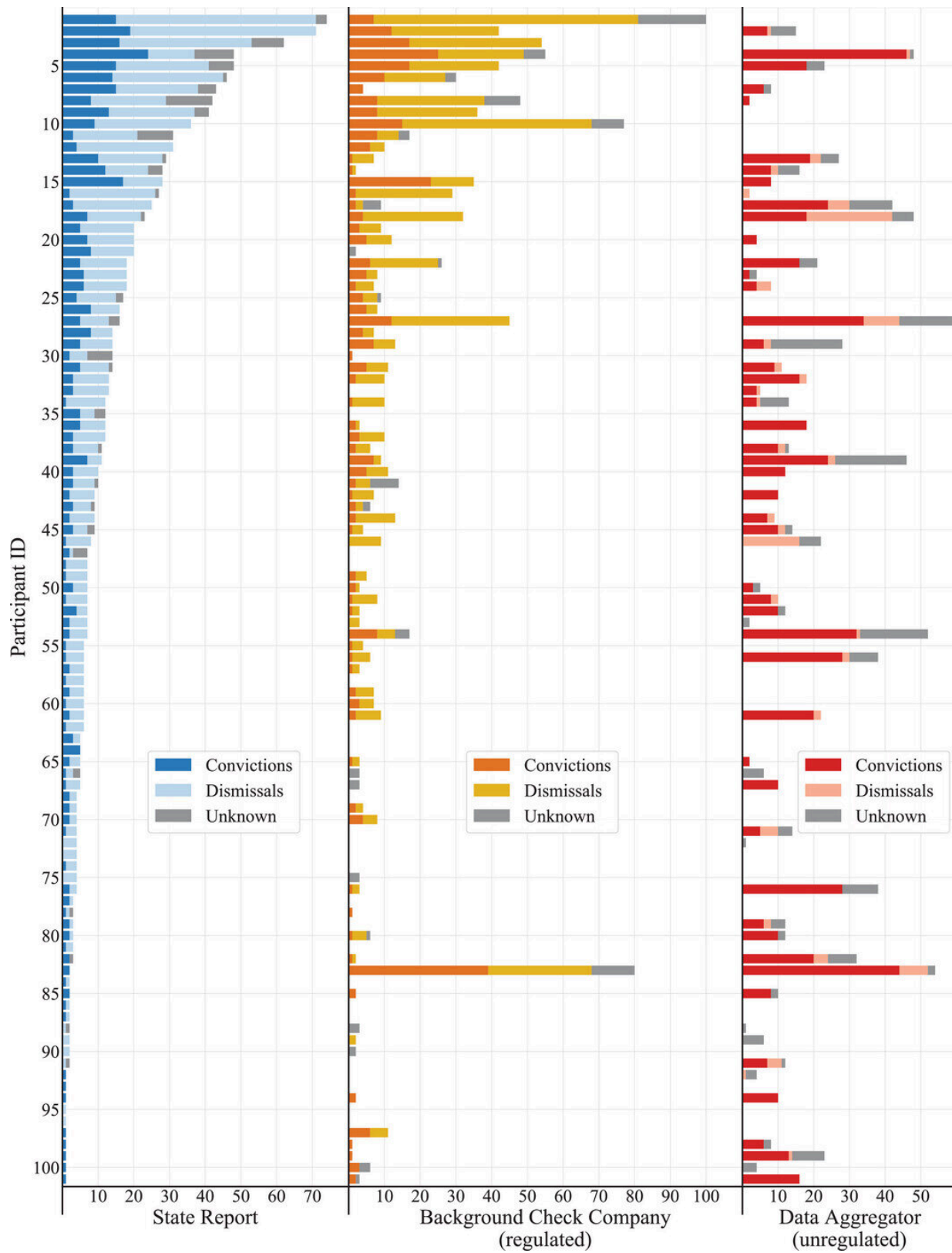


# Study shows background checks don't always check out

February 15 2024, by Laura Ours

---



Participant charges and dispositions across data sources. Credit: *Criminology*

(2024). DOI: 10.1111/1745-9125.12359

Employers making hiring decisions, landlords considering possible tenants and schools approving field trip chaperones all widely use commercial background checks. But a [new multi-institutional study](#) co-authored by a University of Maryland researcher shows that background checks themselves can't be trusted.

Assistant Professor Robert Stewart of the Department of Criminology and Criminal Justice and Associate Professor Sarah Lageson of Rutgers University suspected that the loosely regulated entities that businesses and landlords rely on to run [background checks](#) produce faulty reports, and their research bore out this hunch. The results were published last week in *Criminology*.

"There's a common, taken-for-granted assumption that background checks are an accurate reflection of a person's [criminal record](#), but our findings show that's not necessarily the case," Stewart said. "My co-author and I found that there are lots of inaccuracies and mistakes in background checks caused, in part, by imperfect data aggregation techniques that rely on names and birth dates rather than unique identifiers like fingerprints."

The erroneous results of a background check can "go both ways," Stewart said, They can miss convictions that a potential employer would want to know about, or they can falsely assign a conviction to an innocent person through transposed numbers in a birth date, incorrect spelling of a name or simply the existence of common aliases.

Stewart and Lageson's study is based on the examination of official state rap sheets containing all arrests, [criminal charges](#), and case dispositions

recorded in the state linked to the record subject's name and fingerprints for 101 study participants in New Jersey. Then, the researchers ordered background checks from a regulated service provider—the same type of company that an employer, a landlord, or a school system might use. The researchers also looked up background checks on the same study participants from an unregulated data provider, such as popular "people search" websites.

"We find that both types of background checks have numerous 'false positive' results, reporting charges that our study participants did not have, as well as 'false negatives,' not reporting charges that our study participants did have," Stewart said.

More than half of study participants had at least one false-positive error on their regulated and unregulated background checks. About 90% of participants had at least one false-negative error.

Stewart and Lageson defined a number of problems with private-sector criminal records: mismatched data that create [false negatives](#), missing case depositions that create incomplete and misleading criminal records, and incorrect data that create false positives.

For both the commercial and public-use background check services, the driving force behind errors in background checks is likely erroneous use of algorithms.

"These companies and platforms are linking records together based on names, aliases and birth dates rather than fingerprints, which is what the police use to match people to records," Stewart said. "So these companies end up lumping people together who are not the same person."

Through interviews with study participants, Stewart and Lageson

explored the consequences of the errors, including limited access to employment and housing, as well as the difficulty of correcting them.

For example, one participant who had a pair of drug convictions decades ago had been mistakenly linked to much more serious crimes, including attempted murder.

"The problem was, he had at one point used an alias, and another man with a very extensive record had used a similar alias, and all his charges were linked to our participant," Stewart said. "As a result, this other man's record followed our participant for decades and helped to explain why he always had trouble securing a decent job."

The researchers interviewed participants who described how errors in their background checks limited their access to education.

"We're talking about a violation of the basic principles of fairness in our society and in the legal system," Lageson said. "Unfortunately, people have little legal recourse when facing these issues. It's clear this is an area ripe for policy reform."

While commercial background checks providers are ostensibly regulated by the Fair Credit Reporting Act and other guidelines, Stewart and Lageson's research has demonstrated that considerable errors persist.

Stewart said that public awareness of the potentially erroneous and incomplete results of background checks will be key to addressing this systemic social problem.

"Other countries are handling background checks in different ways, ways that may take more time, but there are better models out there," Stewart said. "It may be better for background checks to be done through the state, or the FBI, or through other ways that use biometric

data. It's important for people to realize that there's a lot at stake."

**More information:** Sarah Lageson et al, The problem with criminal records: Discrepancies between state reports and private-sector background checks, *Criminology* (2024). [DOI: 10.1111/1745-9125.12359](#)

Provided by University of Maryland

Citation: Study shows background checks don't always check out (2024, February 15) retrieved 29 April 2024 from <https://phys.org/news/2024-02-background-dont.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.