

# The Background Investigator

## Your Information Resource

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February 2017

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## PACER Lawsuit Goes Class Action

Read About  
This Lawsuit  
Page 10

### ALSO IN THE NEWS: LA's Ban The Box Is Tough

The City of Los Angeles has enacted the strictest 'ban the box' ordinance in the country, and its many requirements are detailed and onerous....

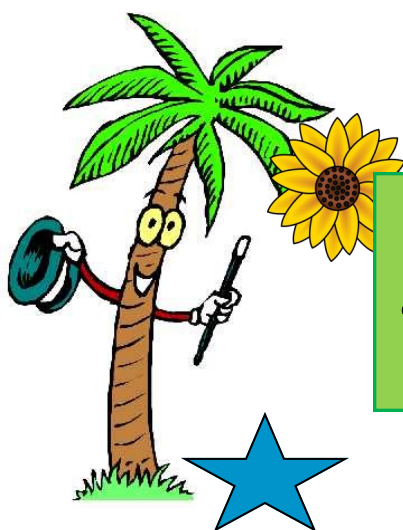
Notably, the employer need not be located within the city" to be covered, provided it has "10 or more employees who perform an average of at least two hours of work each week in the City of Los Angeles."

Employers cannot ask about criminal convictions before offering jobs, and can do so afterward only by using a multi-step process — providing a rationale in writing, holding a job open for at least five days while the applicant responds, then writing another document of justification.



Nykoping, Sweden Courthouse

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## Update - Maryland Courts

Maryland has been gradually rolling out the Maryland Electronic Courts, or MDEC, system since 2014, when Anne Arundel County switched over from paper.

Anne Arundel County was the first to go digital, on Oct. 14, 2014. Since then, more than 40 percent of state courts have begun electronic filing, according to the Maryland Judiciary.

Most recently, on Dec. 12, the Eastern Shore counties of Dorchester, Somerset, Wicomico and Worcester

and misdemeanor cases.

In magistrate court, you can get information on these cases:

Civil: small claims, garnishment, abandoned motor vehicles and personal property foreclosures.

moved to MDEC.

The system allows a central system used by each court and instant access to files as cases move through the various court branches.

## Cobb County, GA Online

The Cobb County magistrate and state courts have now put their records online through a system called CourtConnect.

In state court, you'll have access to civil, traffic

Criminal: arrest warrants, bad checks, application hearings, ordinances and parking tickets.

## Huron, OH Municipal Court Goes Digital.

A yearlong project in which city workers uploaded thousands of court documents, dating back to 1998, just went live.

The website, limited to court proceedings in Huron, allows anyone with internet access to:

View ongoing court case statuses

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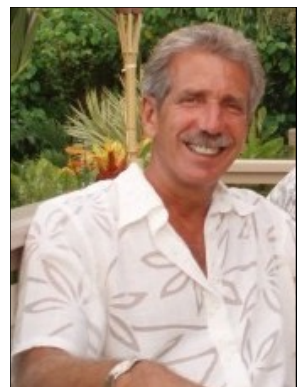
court's permission, such as an eviction notice

Anyone can use the system, available at huron-municourt.us.

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**COVER PHOTOGRAPH: Nykoping, Sweden Courthouse**

**COVER PHOTOGRAPHER:  
Steven Brownstein**

**PURPOSE: "Dedicated to pre-employment screenings everywhere"**

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Court Officials  
Blame Software  
For Legal  
Mishaps

Wrongful arrests, delayed prison releases and other legal mishaps have been caused by inaccurate records processed by a new court management software system installed in Alameda County, Calif., court officials say.

It has gotten so bad that the public defender's office filed a motion last month for the county court to immediately fix the problems caused by the county court's software system, called Odyssey Case Manager, or scrap the system completely. A total of 26 separate incidents were documented in the motion, though Public Defender Brendon Woods stressed that this was "just the tip of the iceberg" in terms of the number of people affected.

"People's lives are being drastically changed. This is something that needs to be fixed immediately and not later," Woods said to The Washington Post.

Odyssey manages a court's logistics, keeping track of people who have entered the legal system and the status of their cases. It's employed across 600 counties in 21 different states, serving an estimated one-third of all courts in the country, according to the company behind the software, Tyler Technologies. For many courts, the digital record keeper is a welcome upgrade from aging computer systems and paper files, and its popularity is an apparent testament to its workability. But when installed in Alameda County in August, Woods said, the new software caused a domino-like series of problems on the court's digital filings.

As Woods described it, the biggest issue for the

county stems from the user interface. Using Odyssey, he said, clerks typically take 20 to 30 minutes to input all of the data needed to file a court action, such as an issued warrant or jail release. The old system took just two to three minutes per case. It has caused a backup in which cases aren't updated on time, causing, for example, a defendant who had already shown up for his court date to be arrested again because his case file showed outdated information. Incomplete filings are growing by an estimated 200 to 300 a day, according to Woods.

Woods also said Odyssey's data is not interacting correctly with other legal software in the system. People who have been charged with drug offenses are showing up as sex offenders, Woods used as an example. And some cases already settled in the old system have shown up in the new system incorrectly.

"There are just so many levels to this problem it's hard to even quantify," Woods said. "But it's not a person's fault. It's a software problem."

Odyssey's problems haven't been limited to Alameda County. In Shelby County, Tenn., which also implemented Odyssey recently, a group of defendants filed a class action lawsuit against the sheriff alleging that they were held in jail past their release dates during a computer software upgrade, according to the Memphis Daily News. While county commissioners, who blamed Odyssey, at one point considered pursuing a lawsuit against Tyler Technologies, the Memphis Daily News reported, the idea has been dropped. County commissioners say that they realized that delays were caused by integration of the new software into several existing systems rather than glitches or bugs with Odyssey itself.

Two years ago in Marion County, Ind., a lawsuit was filed against the county jail by two inmates who claim that because of issues with the newly installed Odyssey software, they were held in jail for days after they were supposed to be released, according to the Indianapolis Star. The Marion County Sheriff's Office declined to comment on the pending case.

Asked about the three counties' complaints, Jeff Puckett, the president of Tyler Technologies's courts and justice division, said that in each of these cases, issues stemmed from different circumstances involving "fine-tuning" the software implementation and interaction with existing systems.

"This is not a new piece of software," he said, adding that Tyler has not been contacted by any of the three court systems about actual bugs or glitches. "To draw a line from these problems to, 'Well, the software is broken or is not doing its job,' is just not a fair conclusion."

When pressed about whether Tyler could provide better integration support to courts that use its



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software, Puckett said the question was asked under a "false premise."

"Tyler's responsibility is limited to implementing the Odyssey courts system," he said. He added that the company has a support staff devoted to transitioning clients to use of their software.

But for public defender Woods, it's less about who is to blame and more about doing something to stop the problem. The county court has set a date to hear the public defender's motion.

"To anyone who says it's just a few issues, I want

them to come down and talk to the person who served 14 extra days illegally, tell them it's just a small crack in the system. Talk to my client who was jailed in front of their parent's house," he said.

"They can't quantify the human experience by saying it's a small number of cases," he said. "People are suffering."

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Kane County, IL  
Adding DOB's  
To Search  
Results

Kane County's newly launched Odyssey Case Management System is helping the county's entire judicial process — from the start of a criminal or civil case to its conclusion — run more efficiently and provide users with more information on cases.

The data is being transferred from an older system that was based on finding information using a case number, Circuit Clerk Tom Hartwell said. The new system, Odyssey Case Management System from Texas-based Tyler Technologies, allows people to find information using names, he said.

A side effect of providing a name based records system is the amount of personal information now available online, Hartwell said. A problem is common names, he said. In order to use the system better, a person's date of birth or driver's license is listed on Odyssey to help search for information more efficiently, he said.

"It is surprising people, the fact of the amount of information" available on Odyssey, he said. However, the same information is available on court dockets. "I am the keeper of the records. When it is put in the record is in there, I can't redact it," Hartwell said.

Electronic  
Access To  
Public Records  
Improves In  
Tokyo

To improve transparency, Tokyo Gov. Yuriko Koike announced plans to improve access to public documents.

At a regular news conference at the Tokyo Metropolitan Government building in Shinjuku Ward, Koike said an ordinance

would be revised to allow browsing public records free of charge. The city now charges ¥10 per page just to browse public records, which are only available on paper.

“Such a move will reduce the (financial) burden on citizens and lead to greater transparency,” Koike said.

When the revision takes effect, the price for black and white as well as color copies will be reduced from ¥20 to ¥10, and from ¥100 to ¥20, respectively, she said.

Koike also plans to provide free electronic access to public records upon request.

Ohio Now  
Requires  
Criminal  
Convictions For  
Many Civil  
Forfeiture Cases

Ohio has passed a law that will require a criminal conviction before law enforcement can permanently confiscate property for many civil forfeiture cases. Only 11 other states have similar or stricter requirements.


The law, HB 347, also enacts better safeguards to protect private property rights. The legislation shifts the burden of proof from innocent owners onto the state—where it belongs.

Ohioans will no longer have to prove their innocence.

India  
Background  
Check Report

There has been a four percentage point decline in the overall level of case discrepancies in information shared by candidates in India looking for employment over the past three fiscal years.

According to (AuthBridge) the overall level of discrepancies in information shared by can-



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City of Milwaukee

Court Searches

Not a county search but includes:

•Traffic

•First offense drunk driving

•Underage alcohol

•Parking

•Building code violations

•Disorderly conduct

•Trespass

•Health code violations

•Animal control violations

•Truancy

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didates has come down to 10.29 per cent in 2015-16, from 14.13 per cent in 2013 -14.

The data for the report were collated from checks conducted by AuthBridge in the past three fiscal years: 2013-14 to 2015-16.

The report looks at discrepancies with respect to four major areas — employment, education, reference and address. Employ-

ment check has the highest discrepancy (10.06 per cent).

Sector-wise, the banking and financial services sector showed most mismatches in the cases analysed in 2015-16.

Discrepancy in the Internet/e-commerce/dotcom industry went up by about 60 per cent in 2015-16 compared with 2014-15 to 14.75 per cent.

The report said tenure and designation/salary are the most manipulated data by candidates while sharing their employment details while fake documents and university/courses are the two major reasons for education anomalies.

Quanlity record searches in Virgin Islands Straightline



Nepal Compiling Criminal Database

The Crime Investigation Department under Nepal Police said it had expedited the process of creating a central criminal database.

The CCD will be a proprietary database of records collected from throughout the country.

It would be a compilation of information about criminals and convicts under the jurisdiction of courts, law enforcement agencies, semi-judicial bodies and prisons.

According to a senior official at the CID, the database will provide all its units with instant and direct access to criminal information to identify any absconding suspect or convict. It will also contain information about persons released after doing time in jail and those released on a general date.

Till date, one police unit is writing to all or any of its counterparts along with the details and other physical features of a crime suspect or absconding convict for his/her arrest. "Once the database is prepared, the concerned district police office or investigators can arrest anyone on the basis of information available on the database.

Criminal justice system

should be based on instrumentation rather than interrogation," he informed. It would also help police ascertain the identity of a target subject in a simple, easy, accurate, timely and scientific manner.

The database is expected to enhance the criminal justice system in the country. Various tiers of courts are yet to recover more than eight billion rupees in fines from convicts and execute over 100,000 years of jail terms handed down to them, according to statistics released by the Supreme Court.

CID will also collect fingerprints of persons on the basis of citizenship certificates they acquire from district administration offices and create the database for identification of anyone who is involved in crimes and is convicted.

Man Claims Fees To Access Federal Court Documents Are Improper

A Florida corporation has filed a class-action lawsuit against the United States of America, citing alleged breach of contract.

Theodore D'Apuzzo, P.A. filed a complaint in the U.S. District Court for the Southern District of Florida against the United States of America, alleging that the





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# Boston Municipal Court Criminal Record Searches



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government charges users for accessing federal court documents that should be available free.

According to the complaint, the plaintiff alleges that he sustained damages from being charged to access court documents. The plaintiff holds the United States of America responsible because the defendant allegedly charges users for accessing judicial opinions despite informing them that those are exempted from charges.

The plaintiff seeks compensatory damages and other damages, interest, all legal fees and any other relief as this court deems just. He is represented by Nicole W.

Giuliano of Giuliano Law, P.A. in Fort Lauderdale and Morgan Weinstein of Van Ness Law Firm, PLC in Deerfield Beach.

Southern District of Florida Case number 0:16-cv-62769-RNS

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Underage drinking and drug offenses are also a significant part of municipal court caseloads.

Common cases include:

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- Underage alcohol
- Parking
- Building code violations
- Disorderly conduct
- Trespass
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- Animal control violations
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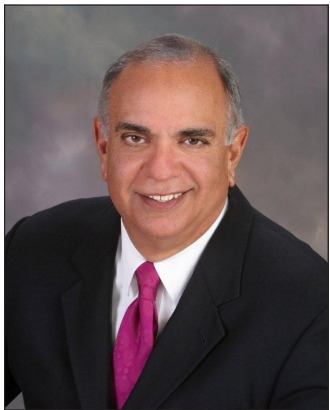
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**Les Rosen’s  
Corner**  
**A monthly column**  
By Lester Rosen,  
Attorney at Law



Written By ESR News  
Blog Editor Thomas  
Ahearn

**Continuous  
Screening of  
Employees**

While most companies currently perform background screening on employees once at the pre-hire stage, “the new normal may call for continuous, post-hire monitoring” in the near future to avoid insider threats, according to a Society for Human Resource Management (SHRM) article. The fact that Continuous Screening is a process that more employers are considering as a critical post-hire due diligence tool is Trend Number 5 in the Employment Screening Resources® (ESR) 10th annual ‘ESR Top Ten Background Check Trends’ for 2017. “An evolving practice called ‘Continuous Screen-

ing’ involves periodic background checks on current employees to identify criminal cases that can occur after a worker was hired. While Continuous Screening can be a risk-management tool, employers need to consider a number of factors to determine if it’s worthwhile, fair, and legally compliant,” says ESR founder and CEO Attorney Lester Rosen.

In the story entitled “Is Continuous Screening the Future Normal?,” SHRM editor/manager Roy Maurer interviewed many background screening experts including Rosen, who told Maurer that without Continuous Screening “an employer may discover post-employment that critical information was missed during the hiring process” that may lead to post-hire insider threats that can include embezzlement, fraud, theft, and even violent behavior.

“Continuous Screening” – also called Continual Screening, Infinity Screening, or Re-Screening – is usually performed on workers annually or semi-annually. Although the argument can be made that

employers would likely be aware of a crime committed by a current worker because the worker is not at work, there are many serious offenses where a person can be bailed out and serve a sentence with work furlough, weekend jail time, volunteer hours, or some other alternative to actual incarceration.

According to Rosen – author of “The Safe Hiring Manual,” a comprehensive guide to background checks that includes a section devoted to Continuous Screening – employers need to consider these factors:

-False sense of security, especially if databases are used instead of checking primary sources which can lead to errors.  
Consent Issues – Does the employee know he or she will be re-screened and the program is in compliance

with the federal Fair Credit Reporting Act (FCRA) and state law?

-Policies and procedure to follow if a record is found.  
-Compliance with the U.S. Equal Employment Opportunity Commission (EEOC) rules on the fair and proper use of criminal records to ensure the screening program is not discriminatory under Title XII, and Impact on Workforce.

-Numerous additional tools beyond background checks that are needed to combat insider threats, such as an environment of control since background checks by themselves are not going to prevent post-hire problems.

-Issues associated with employee morale and corporate culture.

Advocates of ongoing Continuous Screening suggest it is a way to continue to demonstrate due diligence, protect the workplace, and combat insider threats and workplace violence. However, Rosen warns in his book that continuous screening on cur-

rent employees carries risks. The verdict on whether or not the advantages of periodic background checks of current employees outweigh the disadvantages is: “The jury is still out.” Even though periodic criminal screening of current employees may have some apparent advantages, it is an open question whether it is a cost-effective tool or even if the advantages outweigh the disadvantages. Here are several points to consider. There is little in the way of empirical evidence that shows Continuous Screening results in any advantage to employers, says Rosen. There are no studies to suggest, on a cost-benefit basis, such checks produce results. If such checks are

Continued next page ➔



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# Continuous Screening of Employees,

Continued from previous page

If databases are used, then there is the possibility of both false positives and false negatives since databases available to private employers are not always complete, accurate, or up to date. In large states like California, New York, and Texas, such database searches have very limited value.

If there is Continuous Screening, Rosen says, it should be done ideally on the courthouse level in addition to any databases, which increases the cost. There is also the consent issue. Under the federal Fair Credit Reporting Act (FCRA), all checks including periodic checks must be done with consent (unless there is a specific investigation for suspicion of misconduct or wrongdoing). Although most consent forms contain “evergreen” language that makes the initial consent valid indefinitely or until revoked (usually in writing), at some point, an employee can either withdraw the consent or claim it has become stale over time. In California, the argument has been made that a new consent is needed each and every time.

If an employee withdraws consent, the question arises if the employee can be terminated for refusal to consent. It is clear that employers have much more discretion in requiring pre-employment testing, based on the fact that they do not have experience with the applicant. For that reason, courts have granted wider latitude pre-hire. However, once someone is employed, the necessity argument is less convincing since the employer now has a history with the worker.

Therefore, Rosen explains, it is not clear that an employee can be terminated for a refusal to consent to an ongoing criminal check, absent some explicit employer policy or a strong

showing of need. The employer could argue that since employment is “at will,” failure to consent to an ongoing background check can constitute grounds for termination. The problem is that as time goes on, the “at will” relationship can become murky depending upon the facts of the employment relationship.

The issue becomes more complicated if the refusing employee is a member of a protected class. That raises potential discrimination issues. Another complication is when the policy is instituted. If a new worker comes onboard when the policy is in place, it is much harder to object if it is clearly outlined in the employee manual. If conversely, the policy is new, current employees will have more difficulty dealing with it, requiring HR to engage in employee education to show how the policy benefits everyone. In addition, Rosen explains that a firm needs a well laid out policy in an employee manual as to how they will deal with a new criminal record that may be uncovered during a periodic check. At a minimum, any action must be based upon some business justification, taking into account the nature and gravity of the offense, the nature of the job, and how long ago it occurred per the 2012 EEOC Guidance. In addition, the pre-adverse action notice requirements of the FCRA would come into play as well as the “Individualized Assessment” process outlined by the EEOC.

Rosen told Maurer in the SHRM article that “job application forms should make it clear that any material falsehood or omission from the applicant can result in termination no matter when it is discovered. Employee handbooks should include language on what will happen if the employer discovers falsehoods or omissions post-hire.” He also said employers “should ensure background check releases have an evergreen clause to allow future screening if needed. Some firms include a poli-

cy that employees must self-report any arrest that can impact their ability to perform their jobs.”

There are also the cultural considerations with Continuous Screening, says Rosen. What type of message does it send the workplace if workers are constantly suspected of criminal activity? What type of workplace stress is created if an otherwise long time and loyal employees feel they are subject to dismissal at any time for a minor offense that may or may not bear upon their suitability as an employee? If the employer is unionized, then union rules can also play a role. One possible solution for employers that have determined that Continuous Screening is necessary is to conduct it in a similar fashion to random drug testing done for certain drivers that are controlled the Department of Transportation. Random pools can be set up and “real” criminal checks done at the courthouse rather than a so-called “national” database that can be subject to false positives and false negatives.

One company ended up paying \$1.6 million to re-screen their workers. On September 8, 2015, the U.S. District Court for the District of South Carolina entered a consent decree ordering BMW Manufacturing Co., LLC (BMW) to pay \$1.6 million as part of the resolution of a lawsuit filed by the EEOC that claimed BMW excluded African-American logistics workers from employment at a disproportionate rate when the company’s new logistics contractor applied BMW’s criminal conviction records guidelines when re-screening incumbent employees. The EEOC complaint alleged that when BMW switched contractors handling the company’s logistics at a production facility, the company required the new contractor to perform a criminal background re-screening on all existing logistics employees who re-applied to continue working in their positions at

BMW. At that time, BMW’s criminal conviction records guidelines excluded from employment all persons with convictions in certain categories of crime, regardless of how long ago the employee had been convicted or whether the conviction was for a misdemeanor or felony.

After the criminal background checks had been performed, BMW learned that approximately 100 incumbent logistics workers at the facility, including employees who had worked at there for several years, did not pass the re-screening. The EEOC alleged 80 percent of the incumbent workers disqualified from employment as a result of applying BMW’s guidelines were black. Following an investigation, the EEOC filed suit alleging that blacks were disproportionately disqualified from employment as a result of the criminal conviction records guidelines. EEOC sought relief for 56 African-Americans who were discharged. BMW has since voluntarily changed its guidelines.

Having noted the disadvantages, the case can well occur where an employer is sued for a failure to check current employees if such a failure to check was the proximate cause of workplace violence or some other harm that arguably could have been prevented. The bottom line is that this is an issue that will be worked out in a court decision in the coming years. In the meantime, employers contemplating such periodic checks should approach it with caution and seek the advice of their attorney.

Rosen says there is also the issue of whether Continuous Screening is even an effective tool to counter insider threats. Although pre-employment background checks are often cited as an essential element of an insider threat prevention program, they are just one part of an overall strategy. The identification and prevention of insider threats requires an inter-disciplinary approach that can include mental

health assessments, psychological testing, physical security, internal controls, continuous evaluation of personnel, supervisor and co-worker training to recognize danger signals, identification of risk factors, sharing and analyzing information between responsible parties, and a culture of safety, reporting, and integrity. Most critically, an organization needs to have a commitment to prevent these threats, and a leadership team and professionals who are able to formulate and implement an overall strategy.

Rosen concludes that an organization considering continuous screening needs to bolster all aspects of its insider threat protection program, and understand that such screening is just one element of an overall program that needs to be approached with caution in order to ensure it does not create workplace or legal issues. The bottom line: if an employer is interested in continuous screening, it needs to work with a screening partner who can assist the employer with understanding all of the pros and cons in order to make an informed decision and to avoid pitfalls in setting up the program, and avoid providers that simply want to sell more searches that could end up doing more harm than good.

## Australian Humor

A Kiwi is hoping to migrate to Australia and arrives at Melbourne airport one day.

“What is your business in Australia?” the immigration officer asks sternly.

“I’ve come to emigrate eh bro,” the Kiwi replies, smiling.

“I see, do you have a criminal record?” the officer asks.

Stunned, the Kiwi stops smiling and, crestfallen, he says: “Geez, bro I didn’t think you still needed one.”



A Note From Phyllis Nadel



Western Australia Sex Offender Search

About Community Protection

The Community Protection Website (www.communityprotection.wa.gov.au/LocalSearch/) provides any member of the public with access to photographs and certain information on Western Australia's most dangerous and high risk sexual offenders. It will enable parents and guardians to make enquiries with Western Australia Police about any person who has unsupervised contact to their child or children. The website provides three tiers of information access to ensure that families and the public have information on known sex offenders, which will assist with the protection and safety of children and the community. The Community Protection Website will not publish the photograph, personal details or release any information of an offender who is under the age of 18 years.

Tier 1: Missing Sex Offenders Non Compliant Reportable Offenders

The first tier of publication, the Missing Offenders section, displays photographs and personal details of reportable offenders who have either failed to comply with their reporting obligations, provided false or misleading information to Police and whose location or whereabouts is not known to Police.

The purpose of this publication is to enhance public

vigilance in order to help locate non-compliant reportable offenders. The publication details include a photograph, the full name, known aliases, date of birth and a physical description of the reportable offender. If you know or have seen these non-compliant reportable offenders and can provide any information to assist in locating them, please pass that information onto Police by contacting 131 444. The photograph and personal details of a reportable offender are removed from publication when the reportable offender is located or reports their current whereabouts to Police.

Tier 2: Local Search for Dangerous and High Risk Offenders

The second tier of publication, the Local Search, will display photographs of certain dangerous and high risk offenders that reside within the same suburb and adjoining suburbs as the requester. These offenders are dangerous sexual offenders, serious repeat reportable offenders and other persons whose details have been authorised for publication by the Minister for Police. This publication is primarily for the purposes of enhanced public awareness and safety.

Tier 3: Community Protection Disclosure Scheme

The third tier of publication, the Disclosure Scheme, will allow a parent

or guardian of a child or children to inquire with Police whether a specific person, who has regular unsupervised contact with their child or children, is a reportable offender. The parent or guardian making the application must provide their full details, the child or children's details, the identity of the person of interest and the level of contact that person has with the child or children. Police will assess the request and may disclose to the applicant whether or not the person of interest is a reportable offender. This information is provided to better place the parent or guardian in a position to take appropriate steps to safeguard their children if necessary.

New York Issues First-in-Nation Regulation On Commercial Crime Insurance

New York State's Department of Financial Services (DFS) in December issued a new regulation that prohibits insurance companies from denying commercial crime insurance coverage to New York businesses employing people with criminal convictions.

The regulation, called Insurance Regulation 209, serves as the first of its kind in the U.S. and is set to take effect on July 1, 2017, with

respect to all insurance policies issued, renewed or delivered in New York state on or after that date.

Schoolyard Fights Now A Felony In Missouri

A new Missouri statute is drawing the ire of civil rights advocates over concerns that it unnecessarily criminalizes children.

A letter to parents and guardians that Hazelwood School District in St. Louis County sent recently said that a law taking effect Jan. 1 could result in school fights being treated as class E felonies. Class E felonies could result in up to four years in prison.

As the school district explains, under the statute, "if two students are fighting and one child is injured, the student who caused the injury may be charged with a

felony. Student(s) who are caught fighting in school, bus or on school grounds may now be charged with a felony (no matter the age or grade level), if this assault is witnessed by one of the School Resource Officers/ police officers (SRO) or if the SRO/local law enforcement officials have to intervene."

Ector, TX Online

The Ector County District Clerk and County Clerks are happy to announce the recent release of the new Public Portal providing access to the public index of court records and hearings for the County and District Courts in Ector County.

Access by going to this link ---> [www.co.ector.tx.us/district.clerk](http://www.co.ector.tx.us/district.clerk)

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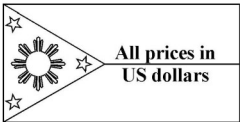
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Drugged Driving  
Hard To Convict

With a single blow into a breathalyzer, law enforcement can determine if a suspected drunk driver is legally allowed to be behind the wheel. But when it comes to driving under the

influence of drugs -- prescriptions or illegal narcotics -- it's not as simple. And, unlike the .08 limit defined by the law as legally intoxicated to drive, there is no law defining the level of impairment allowable for drivers under the influence of drugs.

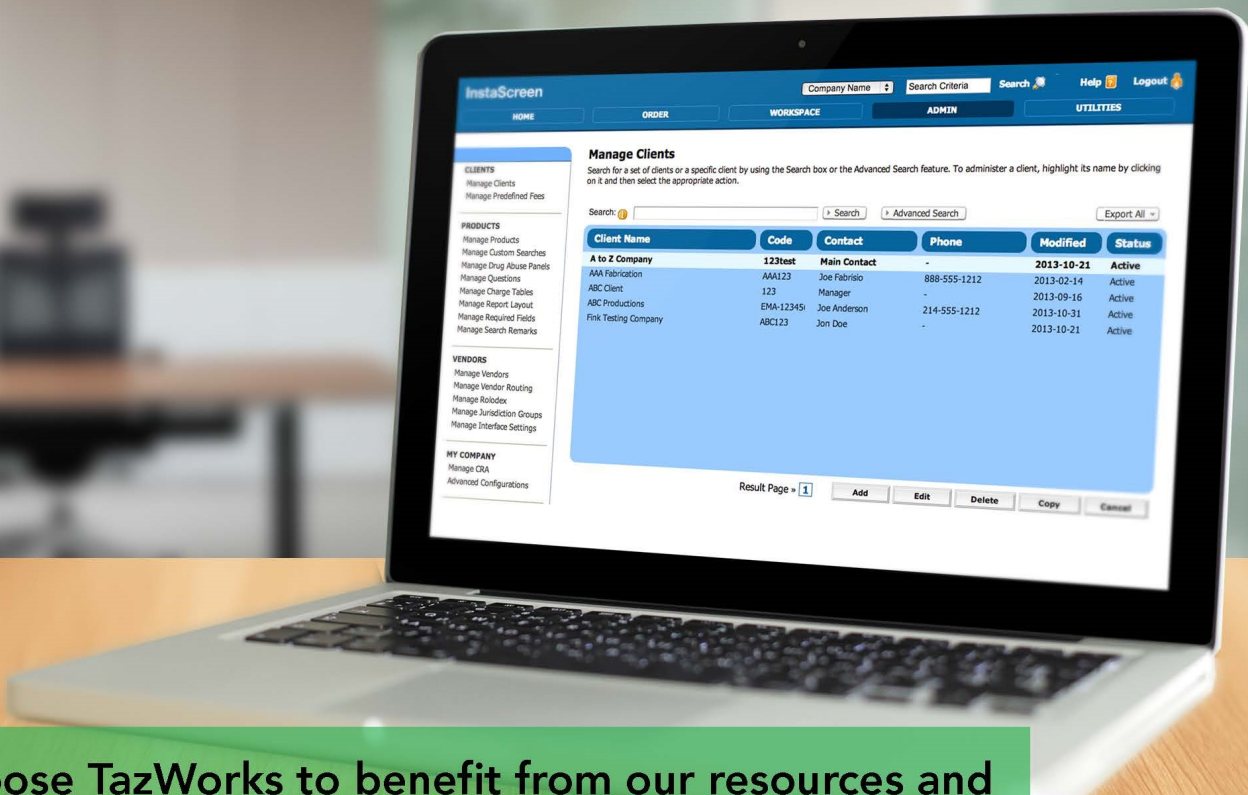
That makes identifying and convicting drivers impaired by drugs a challenge for both police and prosecutors. One San Francisco Bay Area investigative unit found drugged-driving crashes are on the rise, and

for most of those, the drivers are not convicted of a DUI, according to DMV statistics. However, the state doesn't track DUIs for drugs separately from alcohol-related DUIs if a crash isn't involved, making it difficult to identify the extent of the problem.

According to California's Department of Motor Vehicles, drug-involved crash fatalities jumped 39.3 percent in the last 10 years. And, according to California's DMV, the majority of drug-involved drivers in fatal/injury crashes are not convicted of DUI associated with the crash.

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Channeler FAQs

1. What is an FBI-approved Channeler?

An FBI-approved Channeler is a contractor that serves as the conduit for submitting fingerprints to the FBI and receiving the FBI criminal history record information (CHRI), on behalf of an Authorized Recipient (AR), for authorized noncriminal justice purposes. The current FBI-approved Channelers were selected from a 2011 Request for Proposal (RFP) solicitation.

2. How do I become an FBI-approved Channeler?

The FBI is not currently accepting any additional Channelers. To receive notification of any future RFP, you may register at FedBizOpps.

3. Can a company outside the United States submit fingerprints to the FBI through an FBI-approved Channeler?

Only a United States company that has the statutory authority to submit fingerprints to the FBI and receive the FBI CHRI may use an FBI-approved Channeler.





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