

# The Background Investigator

## Your Information Resource

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## BIG BIG SAVINGS

### China Credit Reports

The Supreme People's Court has a memorandum with the People's Bank of China allowing the records of loan defaulters to be shared with financial institutions and other relevant parties.

The central bank's credit reference center includes default records in credit reports on groups and individuals shared with financial institutions, thus influencing their loan decisions.

Government departments, industry associations and civil service units also have access to these reports as references for defaulters' financial and employment requests, restricting the defaulters' activity in government procurements, tenders, administrative approvals and loans until they comply with court orders and settle their obligations, the report said.

Article continues  
On Page 2

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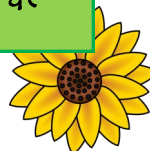
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wWth BPR&D

The National Crime Records Bureau (NCRB), the flagship unit of Ministry of Home Affairs (MHA), has been merged with the Bureau of Police Research & Development (BPR&D). The NCRB was established in 1986 with a mandate to empower Indian Police with information technology solutions and criminal intelligence in a bid to enable them to enforce the law effectively,

The MHA issued an order in this regard, which said: "In order to improve administrative efficiency and optimal utilisation of resources of BPR&D and NCRB, the competent authority has decided to merge both the organisations with immediate effect." The order, issued by Raman Kumar Under Secretary, clearly specifies that NCRB Director Ish Kumar will now report to BPR&D Director General MC Borwankar.

Reacting to the merger of the two organisations, Borwankar said, "The NCRB mandate is to collect data and they did not have a research wing unlike BPR&D. With both organi-

zations merged, it will help in efficiently researching policing matters and eventually improve law enforcement and correctional administrations."

She also said that NCRB's important project, Crime and Criminal Tracking Networks and Systems (CCTNS), will give a back up to research carried out in these fields. "It will have lot of potential," she stated. CCTNS is a project for creating a comprehensive and integrated system for effective policing through e-Governance.

FBI Can Keep  
Secret Who's In  
Its Biometrics  
'Mega Database,'  
Says Justice  
Dept.

The FBI has obtained a legal exemption from federal privacy laws, allowing the agency to keep secret whose data it has stored in its vast biometrics database.

The FBI said it would retain the data to "aid in establishing patterns of activity" to help discover new criminals when they arise.

A final rule published in

the federal register by the Justice Dept. says that the Next Generation Identification (NGI) system will not be subject to several key protections and provisions covered under the Privacy Act, which allow for judicial redress and opting out of the database altogether.

The database does add that the FBI "cannot claim exemption" to one provision, which requires the agency keep the data secure and that it "protect against any anticipated threats or hazards to their security or integrity."

The decision was "necessary to avoid interference" with the FBI's law enforcement and national security operations, according to the rule.

"It's unfortunate that the FBI has finalized these rules," said Neema Singh Guliani, legislative counsel at the ACLU.

"The FBI's massive biometric database includes the information of individuals who apply for citizenship or must get a background check as a condition of their job decision," she said. "The Bureau's decision to exempt this database from basic privacy

protections invites abuse. As a result of this change, millions of individuals will no longer be able to get information about what data the government stores about them or to take action if they feel they are being unfairly targeted by the FBI for political purposes."

The biometrics, described as a "mega-database" by the ACLU, contains millions of fingerprints, photos for facial recognition, iris patterns, and a voice and gait recognition database from a variety of government and non-law enforcement sources -- including those who apply for jobs, security clearance, and immigration purposes.

The FBI has long fought to keep who's stored in its biometrics database a secret, arguing that not doing so "could compromise ongoing, authorized law enforcement and national security efforts and may permit the record subject with the opportunity to evade or impede the investigation."

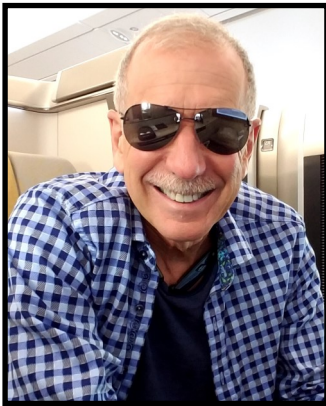
It's not known how many people are in the database, but the Electronic Frontier

Foundation (EFF) said in a filing that as of the end 2015, the database contained close to 71 million criminal records and 39 million civil records.

Several privacy groups, including the ACLU and the EFF have criticized the biometrics database, arguing that citizens have the right to see what information the FBI is storing on them.

A Freedom of Information request by the Electronic Privacy Information Center (EPIC) found that the database had a 20 percent search error rate on facial recognition matches, a rate that the FBI is "prepared to accept." Security researcher Bruce Schneier said (via an EFF report) that even a 90 percent accurate system will "sound a million false alarms for every real terrorist."

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Getting Hired in Germany, Part I (By Ed Philip)

Applying for a Job in Germany

I will briefly comment on a number of aspects that make applying for a job different in Germany than in North America.

By “briefly”, I mean that I will highlight three key differences.

I could go on, as in fact there are many significant differences.

But I’m going to restrict myself to the ones that are most perturbing striking to a North American job applicant.

No resume in Germany is complete without a photograph – about 2 by 4 inches is recommended – of the applicant> ¾ profile, conservative business dress, just a touch of makeup, optimistic smile – but not a full-on grin – is advised.

This isn’t a requirement just for applications for jobs in public relations or similar service sectors – it applies equally to construction foremen, law student interns, librarians and other people whose appearance has little to do with the relevant skills and experience they might bring to the job.

German human resources (hiring) people simply like to be able to compare the candidate’s appearance with his or her resume.

They want to know how photogenic and attractive and potentially foreign-looking you are before they decide to give you an interview.

As one acquaintance of mine – a hiring manager with the German branch of a large cosmetics firm explained to me: “all of the people who work here are attractive.

If an applicant is ugly, they won’t fit in.

And they’ll quit in six months.

So we just hire attractive applicants.”

Yes, this person was quite attractive herself.

For German readers – this would never fly in North America.

Human resources would very likely send back any resume that had a photo-

graph attached to it with the comment that the company believes that merit-based hiring precludes the visceral evaluation that takes place when you look at another person’s photograph.

Sure – we make similar decisions during an interview.

Studies show that like usually hires like, and that of two candidates with identical qualifications, the more attractive one is more likely to get the job.

Employers want to put a best face forward (and sometimes that face is – entirely truthfully – someone who represents a broader demographic than ‘well-fed white person’).

But at least in North America, we make a pretence of not caring about appearances.

And if you have the best qualifications on paper, but have warts, or tattoos on your forehead, or are 1 meter tall, we give you the chance to present yourself at an interview and to convince us why you are the best person for the job.

Incidentally, these photos cost money. Which brings me to my next point.

The Package

German companies want to see “gapless” resumes, meaning that every month since you commenced high school needs to be documented in the resume.

Each relevant stage should also be backed up by a Zeugnis (letter of reference, or, more appropriately, evaluation – more on this later) or a certificate of some sort.

German employer decider people tend to frown on a summer spent lounging about at a cottage or traveling Spain by omnibus, even if this was your reward for straight-A grades in your degree, or completing a two-year project.

That time should be productive – and documented. A drunken month in Greece turns into a “language course”.

Hope you saved that certificate of Ouzo-competency from the Palace.

I’m in my early 30s and I have had a successful and diverse educational and employment path.

In order to put together the sort of comprehensive documentation a German employer wants to see, my package now comprises over 40 pages: transcripts from 5 universities; letters of reference from various internships and longer-term employers; also a must - my high school grades.

Yes, I got a D in typing in grade 12. Satisfied?

I was running a small business on the side.

My package has ended up being so long that I provide a table of contents – right after the cover page with photo.

And no proper German application package is sent without enclosing everything in a stiff, elegant Mappe (a cardboard or plastic folder).

My package now costs up to 10 Euros, including copying costs, photo, Mappe and postage.

When a German employer decides that I’m not photogenic enough to work there, or that my high-school typing grades just don’t measure up, they send the entire package back “zu unserer Entlastung” (roughly: “relieving ourselves” – wow – that does not translate well at all).

This is great – I might be able to reuse the Mappe or some of the copies, certainly the photo, if it all hasn’t been folded and crumpled by the various mail deliverers in between.

In North America, this wouldn’t happen.

But that’s because in North America, we wouldn’t ask

for your entire life history on paper before even deciding to grant you an interview.

We would want an extremely concise resume detailing your most recent achievements; we could care less who your parents were, or where you went to grade school, and we want to see it as a searchable .pdf document, not a bunch of expensive paper with staples and paperclips that will screw up our photocopiers.

In fact, many major North American employers accept only online applications that they can easily screen - and trash.

German firms – notionally – are obliged to indirectly subsidize the Deutsche Post to send back the 300 applications they received from unqualified or undesirable candidates.

Incidentally, for serious candidates, North American employers will eventually request supporting documents, letters of reference, etc.

The difference is that costs – to both parties – are only incurred after the preliminary screening has taken place.

My point here is only that the transaction costs of applying – and, as an employer, processing an application – are much higher here in Germany.

Everyone thinks twice, maybe three times, before testing whether a potential employer – employee fit is possible.

(And incidentally, even the final hiring decisions are often made extremely conservatively.

I recently watched a hiring decision made in my own present environment – a person with high general marks, but no discernible aptitude or experience in a highly relevant specialized field was hired over a person with somewhat lower general marks, but several years of solid practical experience in,

and a demonstrated commitment to this field.

The reason? If the hire had turned out to be problematic, the hiring person would have been able to objectively justify the decision made.

Part III

Interview Costs

In the last two sections, I argued against certain German practices in job application procedures. I should also mention that – once a decision has been made to grant a candidate an interview, a German company will pay the (reasonable) travel and accommodations costs of the candidate incurred in attending at the interview.

There is some debate as to whether this isn’t required by law under the German Civil Code.

In any event, it is virtually always done here.

That isn’t always the case in North America – indeed, interview expenses are usually entirely negotiable.

Where there is a significant power disparity between employer and candidate (i.e. candidate is desperate), the costs are unlikely to be borne by the employer.

Where the candidate is desired, or the employer is just anxious to leave a good impression on those it deals with, these costs aren’t even an issue (being mostly tax-deductible anyway).

The employer pays flight and hotel costs and doesn’t think twice about it.

I like the German model. It shows a certain commitment.

Don’t call me in for an interview unless you’re willing to put some cash down to compensate me for my costs in getting there.

I’ve taken part in meaningless interviews in North America at my expense – but rarely ever in Germany.

The story continues

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Getting Hired in Germany, continued

At least those meaningless German interviews have been subsidized by large law and consulting firms. From my North-American perspective, as a highly-qualified candidate, I don't want to waste time with you unless we have a good reason to talk, and I can't see why you might want to waste your time with me.

Getting Hired (or fired) in Germany Part V

Letters of Reference

In this last addition I take a look at the highly formalized German system of providing departing employees with a Zeugnis. Zeugnis can be translated as "letter of reference"; tellingly, it also means "testimony" (law) and "report card" or "evaluation" (academic). The German employment context is less a simple "letter of reference" and much more of a broad evaluation of your performance, deportment and character. For German readers: departing employees in North America can ask for letters of reference from their previous employers. There are few hard and fast rules about these letters; generally, it is preferable to obtain them from an immediate supervisor who is able to judge your work performance, as opposed to the head of a department, who may have only met you once when you joined a company. An immediate supervisor may not be well-versed in the phrasing of the letter, so results and style can vary considerably; indeed, it is not uncommon for a supervisor to request that the employee draft the letter herself. The supervisor may then modify the suggested draft. The best North American reference letters describe specific situations you encountered and your outstanding performance in these, ideally emphasizing pragmatic, innovative solu-

tions and dedication to getting a job done. North American reference letters also almost always invite the reader to contact the author directly if they wish to discuss "the contents of the letter" (i.e the candidate subject) personally. Employers very frequently do just this before hiring someone, and it is not at all uncommon for them to ask very specific questions, such as "did employee X independently seek out assignments? Why did she leave the company?" A previous employer who had misgivings about the employee will likely be fairly candid in such an informal call, if asked the right questions. A departing employee therefore has to judge carefully whether it is truly in their interest to ask specific supervisors for a letter of reference and the resulting invitation to call that supervisor. Usually employees have no right to a "well-meaning" letter of reference; the letter simply has to be truthful. And yes, employees in North America do go to court to contest the judgments passed on them by previous employers. In Germany, since a Federal Labour Court decision in 1963, employees apparently have a legal right to a "well-meaning" Zeugnis; they certainly do go to court to ensure that a Zeugnis appropriately reflects their performance. A Zeugnis is a sophisticated and rigidly structured document that is typically only signed by the HR department or a high-ranking company official. It is final - there is no invitation to contact the employee's supervisors. It is comprehensive, meaning that not only is strict work performance described, but also relationships between the employee and his or her superiors or staff. And every word or absence thereof can have a special meaning that tells a potential employer exactly what the previous employer thought of the employee. Each aspect of performance is precisely graded,

from vollster Zufriedenheit (most complete satisfaction, meaning A+ with a cherry on top and sprinkles) to er hat sich bemüht, die ihm übertragenen Aufgaben zu erledigen (he made efforts to complete the tasks assigned to him – but failed miserably). These phrases usually correspond to number grades. There are dozens of online and print lists and guides to assist employees to decipher their Zeugnis, and to help employers find the appropriately "well-meaning" phrases that express good performance or which serve as a red flag to future potential employers with regard to undesirable traits. A few more or less reasonable examples: "He knew how to present and sell himself, particularly to his supervisors" = he isn't cooperative with fellow workers and sucks up to his boss "He approached all of his tasks with great enthusiasm" = but he wasn't particularly effective in any of them "She completed all of her tasks with proper diligence and care" = and only these tasks. No independent initiative; a bureaucrat A host of further code phrases reflect on the employee's deportment or leadership style: "He practiced cooperative leadership and was well-liked by his staff" can mean that he sought consensus and couldn't assert himself. The absence of specific words or phrases can also be perilous: "He completed his tasks to our most complete satisfaction" sounds great, but may imply that he didn't always do this, since the sentence doesn't mention that. "She offered many constructive suggestions for improving the team's performance" probably implies that none of these suggestions were practicable or implemented, since this also isn't mentioned. You might note that often I use the words "can" and "may" in the above paragraph. While German reference letters are more of a science than an art, unsophisticated letter providers may think they are giving a glowing

endorsement, but a slight misunderstanding can easily give rise to confusion at the other end. Finally, there are a series of optimistic-sounding phrases – few of which are still used – that can spell instant application death for a candidate with these on their Zeugnis. A few of my favourite examples, roughly translated: "He demonstrated sensitivity to the needs of the workforce" = he sexually harassed or slept with his coworkers (if he demonstrated comprehensive sensitivity, he was – of course – homosexually involved with colleagues) "She was active in furthering the interests of workers both within and outside of the company" = she's an active union member "He achieved all of his objectives in his own and the company's interest" = he stole company property "She contributed to the workplace environment with her sociable temperament" = she drank on the job "He always stood fully behind the team" = voll ('full'), is a euphemism for "drunk" Rumour has it that if the signature of the supervisor signing the Zeugnis makes a pronounced downstroke to the left or right, this warns that the employee was a member of a respectively left or right wing party or organization. A Zeugnis that is dated after the employee left the company can imply that the employee took the company to court to demand a better Zeugnis. These are probably just rumours though, in today's more sophisticated work environments. Problems, of course, can arise when a German employer is confronted with a

glowing North American letter of reference that sets off all sorts of unintended alarm bells with its euphoric descriptions of an employee's 'interest in their work' or their 'commitment to improving sales', which to a German, means that no actual improvement was achieved. The same problems arise when a North American proffers a German understatement Zeugnis that comments that the employee "always completed his tasks to our most complete satisfaction". To a North American employer, that sounds like the employee barely managed to breathe on his own during working hours. I've advised friends of mine to include a short description of the prevailing reference modalities in cross-border applications to employers that may not be familiar with the different contexts. I suppose in both languages, a letter of reference that simply stresses the employee's most basic expectations is always a negative. "She was a model of punctuality" is a kiss of death, implying that once at work on time, the employee did nothing at all of value. In that spirit, I am going to stop. I do think, however, that it would be a remarkable achievement to obtain a Zeugnis that mentioned one's comprehensive sensitivity to and efforts on behalf of workers both within the company and without, always keeping one's own - and the company's interest in mind - as well as one's sociable temperament during all of these endeavours. Especially where this was dated after the employee left the company!

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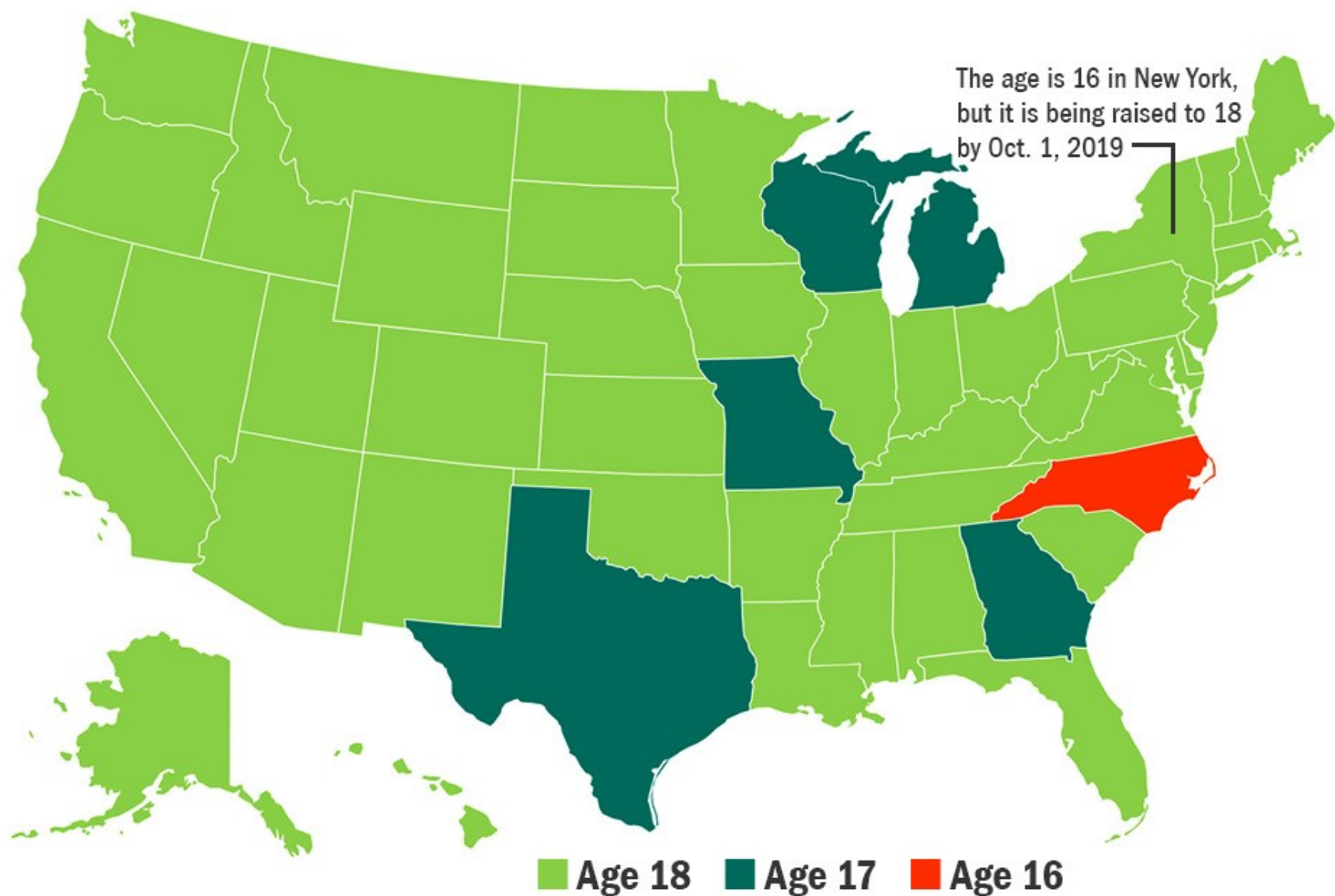
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# Criminal Age of Adulthood



Sources: The National Conference of State Legislatures, the John Locke Foundation and the Raise The Age New York Campaign.

## Raising The Age Of Criminal Responsibility

Unless North Carolina changes its laws, it soon will be the last state in the nation that automatically treats 16- and 17-year-old teenagers as adults when they are charged with a crime.

As of now, New York is the only other state that treats 16-year-olds as adults in criminal matters. But it is ending that practice. In April, New York Gov. Andrew Cuomo signed a law that will set the age at 18 on Oct. 1, 2019.

Until a Raise the Age bill passes, North Carolina law will continue to treat people age 16 and 17 simultaneously as adults when they commit crimes and as children when they are the victims of crime.

In some cases, this can happen to the same person for the same “crime.” In 2015, the results of the contradiction generated international headlines over a case in Cumberland County.

That’s when two 16-year-olds from Fayetteville were accused of manufacturing child pornography after they were caught with nude “selfie” photos that they made to share with each other.

A warrant for the girl said

she was an adult who made and possessed child pornography when she stood naked in front of a mirror and took a picture of herself. But it was only a crime because the girl, under 18, was considered a minor victim. Similarly, warrants accused the boy of being an adult pornographer who victimized his

minor self when he made nude selfies.

The charges were felonies. If the teens had been convicted, they could have gone to prison for at least 15 months each and would have had to register as sex offenders for at least 10 years.

The charges against both teens were eventually dismissed. But the two still spent more than a year mired in the court system. They had to serve probation and do community service in order to get their cases dismissed.

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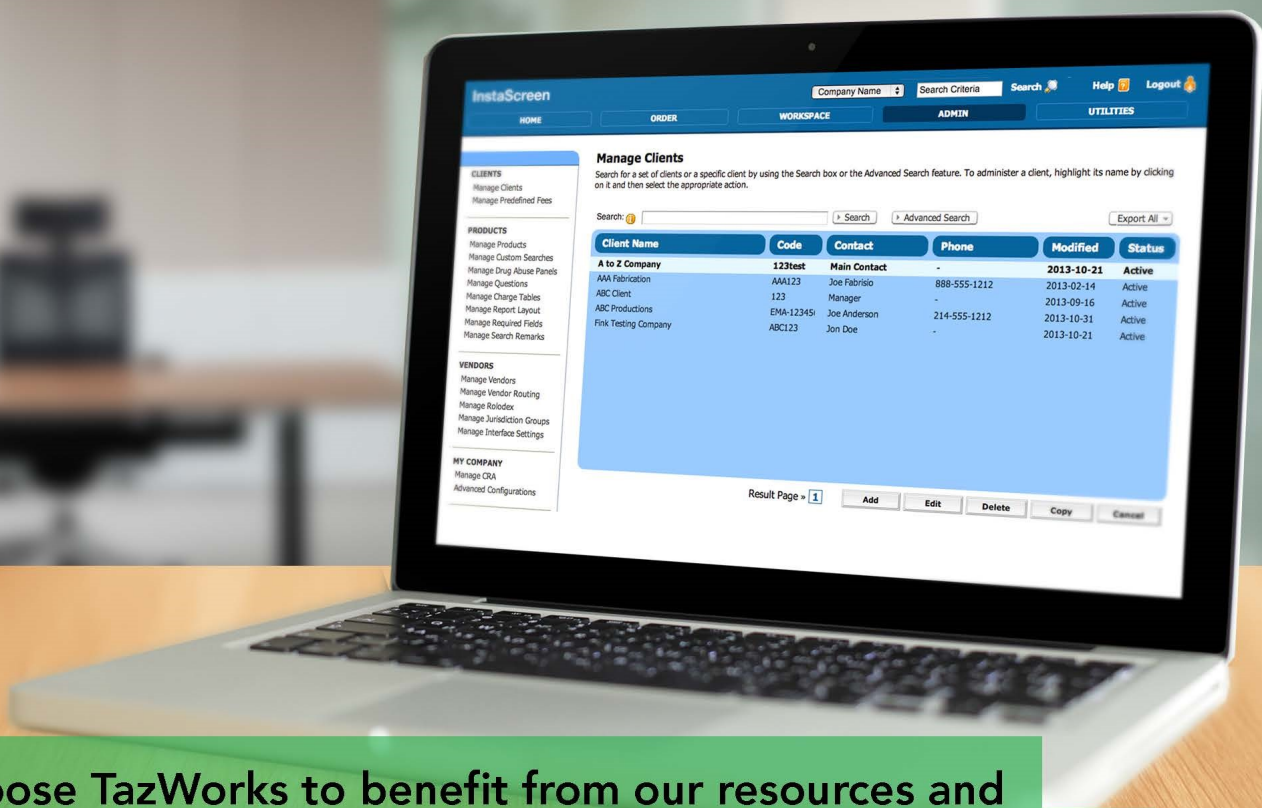
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Initially the cap on the value of mandatory small claims will be set at C\$5,000 (£2,980) and eventually this will rise to C\$25,000. Claims covered include contracts, debts, personal injury, personal property, and consumer issues.

At the same time, the British Columbia provincial court – the first level of trial court, which hears criminal, criminal youth, family, child protection, small claims, and traffic cases – will have the cap on its jurisdiction for small claims cases raised from C\$25,000 to C\$35,000.

Cases of C\$5,000 or less may still be referred to the provincial court on occasion, including where one of the parties files a notice of objection to a CRT decision, or where a party asks to have the CRT order enforced in the higher court.

The tribunal, whose adjudications are equivalent to court orders, can be accessed via smartphones, laptops and tablets 24/7, with telephone and mail services for those without internet access.

Shannon Salter, the CRT’s chair, told Legal Futures that the CRT had recently completed public consultations on the small claims rules, the Solution Explorer for small claims, and some technology improvements.

She said: “The public feedback has been very positive, and we are incorporating changes where necessary. There has been a strong take up of online services, with only two participants in 280 cases requesting not to use email. We have accommodated those requests.”

She explained that claims under C\$5,000 represented about 40% of the total small claims filed in British Columbia last year, adding: “Between 40-45% of participants use the CRT outside of typical court registry hours, mostly on weekday evenings and weekends.”

## Plead Your Case Online

The pioneering digital tribunal thought to be the model for England and Wales’s online court (OC) will begin resolving small claims disputes worth under about £3,000 on 1 June,

it has emerged.

British Columbia’s civil resolution tribunal (CRT) launched in Canada last summer when it started hearing condominium ‘strata’ claims – housing disputes relating to the common parts of apartment blocks.

The CRT claims to be “the first online tribunal in the world that is integrated into the public justice system”.

It offers free self-help information pathways and tools that can be used to help people better under-

stand the issues and explore early resolution options.

Those who cannot resolve their dispute on their own can apply to the CRT for help – creating a resolution with the others involved or getting a binding, expert decision from a tribunal member.



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