The BackGround Investigator

Your Information Resource

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Many islands clerks' offices are now functioning

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The number of criminal files waiting to be entered into the CPIC database now stands at 442,325

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Canada's National Database Of Criminal Records Will Take Years To Complete

The RCMP says it will now need until 2020 to finish uploading nearly half-a-million backlogged files to a nationwide criminal-record database, despite previously saying the job would be done next year.

Criminal justice experts say they are troubled by how much time it has taken the RCMP, which manages the database, to eliminate the backlog for a database that is relied upon not only by police officers, who use it to check suspects' backgrounds, but also by employers and volunteer organizations who use it to vet job applicants and the courts who use it to make bail and sentencing decisions.

"Prosecutors would like to see this get resolved across the country … so we can have an up-to-date picture of each individual coming through the court system," said Rick Woodburn, president of the Canadian Association of Crown Counsel.

Over the last decade, Canada's auditor general has repeatedly taken the RCMP to task for how much time it has taken to enter fingerprint and criminal history records into the Canadian Police Information Centre (CPIC) database, and rated the agency's level of progress as "unsatisfactory."

In 2015, Tom Stamatakis, national president of the Canadian Police Association, told Global News that public safety could be at risk. He used the example of a parolee who has a run-in with the law

"If that person has contact with the police and the police check the database to find out the person's status but the information isn't there, you could potentially release someone who should be arrested for breaching parole conditions."

That same year, an RCMP spokesman told the CBC that the backlog of files would be cleared by 2018.

We can have an up-to-date picture of each individual coming through the court system

But internal agency records obtained earlier this year by Alberta blogger Dennis Young through an access-to-information request revealed that as of August 2016, there were still 570,639 criminal files that hadn't been uploaded to the database, which contains more than 4.4 million individual files.

The records showed that from 2013 through 2015, there were 388,122 new criminal convictions, but only 58 per cent of files related to those convictions were entered into the CPIC database — this despite a boost in funding during that period, from $1.7 million to $2.8 million, to address the backlog.

This week, the National Post asked the RCMP for an update and was told by spokesman Sgt. Harold Pfleiderer that the backlog peaked in the fall of 2016 and that the number of criminal files waiting to be entered into the CPIC database now stands at 442,325.

Historically, the system relied on paper-based files, Pfleiderer said. But the force has been working with other police agencies to develop a fully automated and digitized system that will allow criminal record information to be uploaded in "near real-time." This system should be completed by the end of the year, he said.

Further, "a plan has been put in place to prioritize the elimination of the backlog holdings," he wrote in an email. "Priority files that contain either sex, weapons, or violent convictions are targeted to be fully updated by early 2018. The remainder of the backlog is projected to be eliminated by 2020, keeping in mind that these timelines may vary depending on other RCMP and government priorities."

Currently, the force has 69 analysts working to eliminate the backlog and a budget of $3.9 million, he added.

The number of criminal files waiting to be entered into the CPIC database now stands at 442,325

Woodburn said he worries that the lack of a reliable nationwide database could result in criminals being treated like first-time offenders by the justice system when, in reality, they have committed crimes in other parts of the country.

"Our criminals are very transient now. It used to be that they liked to stick to their hometown. They are travelling across the country, they know they're mobile, and they're committing various crimes in various areas. The problem is that CPIC is not picking that up," Woodburn told the House of Commons standing committee on justice and human rights in April.

Because of the gaps in the database, Woodburn, who is based in Halifax, said it's not uncommon for he and his fellow prosecutors to have to call up other jurisdictions to verify whether someone has a record in those places or not.

Pfleiderer said if police agencies or Crown attorneys need criminal records updated for court purposes, the RCMP can expedite those requests.

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Meet Steven Brownstein

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How Common Is Workplace Crime?

Workplace crime is more common than you think. Common workplace criminal activity includes things like property theft, fraud, and sexual harassment. If you are lucky enough to have not been exposed to workplace crime, consider the following statistics:

According to the S. Department of Justice, about 650,000 people are released from prison annually. According to the S. Department of Labor, there are some 2 million reports of workplace violence in the U.S. each year.

Employee theft is on the rise. At least 35% of thefts are by people at the managerial level, and the average amount of money being stolen is reportedly about $175,000.

Jamaican Expungements Increase

Since the start of the year, a total of 570 criminal records have been expunged, 245 of which were done during the April to June 2017 period, according to the Ministry of Justice.

The ministry said the expungement process, done under the Criminal Records (Rehabilitation of Offenders) Act 1988, has seen a steady flow of applications from persons looking to have their criminal records cleared..

The process is also said to help individuals, who committed minor offences and have sincerely and successfully attempted to abide by the law, to reintegrate into society.

The ministry said that having convictions removed from one's records can increase that individual's earning capacity, as employment in certain industries such as education, tourism, security and transportation, require a copy of a clean police record for their employees.

It noted that the process is also beneficial for persons interested in migrating or working overseas.

Under the Criminal Records Act, certain minor offences such as simple larceny, malicious destruction of property, possession or dealing in ganja, bribery and forging of documents, among others can be cleared from a person's record after a specified period of rehabilitation.

An amendment to the Act in 2014 reduced the rehabilitation period from between five and 20 years, from the date of the termination of imprisonment or the payment of a fine, to between three and 10 years based on the seriousness of the offence and the sentence imposed.

Taiwan Toughens Background Check Requirements

On July 27, Huang Yueh-li, director of the Ministry of Education's Department of Lifelong Education, announced a number of measures after the Supplementary Education Act was amended.

These include requiring all cram school teachers and staff to submit a police criminal record certificate, known in Taiwan as a liangmin certificate, to protect cram school students. Employees from overseas also need to provide documents attesting to the fact that they have no criminal record in their country of origin.

Many cram school operators have expressed concerns that asking teachers from overseas already in Taiwan to then return to their countries of origin in order to apply for the police criminal record certificate would be expensive for the teachers. According to Huang, however, following discussions with the agencies concerned, it was decided that, as the law was non-retroactive, and because the amendments state that foreign teachers should submit a police criminal record certificate when they initially apply for approval for employment, teachers employed prior to the amendments do not need to return to their country of origin to process the certificate.

The Background Investigator Goes To Thailand

Steven Brownstein, Editor of The Background Investigator recently went to Phuket, Thailand to obtain a record that Straightline Interational's client needed.

The client had used a different vendor who ran what is called a Criminality search (see article on front page why not to use them) before remembering that Straightline actually goes to the jurisdictions and doesn't rely on media searches.

The client called Straightline International who promptly contacted Steven Brownstein,

Here is his story:

After receiving the message from my USA office that there was record in Phuket that our client needed I went over to the Phuket City District Court.

Entering the court and approaching the clerk's desk in the waiting area I was told the record didn't exist

I knew that wasn't true, so I gave the clerk the approximate date (year) of the offense and was told that his computer database didn't go back that far (ten years) but I should check the archive section.

I was shown to the archive record section of the court; gave the clerk in the archive section the case information that I had, and a moment or two later the clerk had access to the case and provided to me the information that I needed,

That information included the Case Number , Filing Date, Name on Record, DOB on record, Correct Charge, Disposition Date, and the disposition (sentencing).

All done within a few days of the client's request, and completed to their satisfaction.

Steven Brownstein's experience is evidence that international court record information is available is you go there

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"New Texas Court Access System Raises Old Information Demons

by Kelsey Jukam

The checkerboard of public access in Texas courts was the focus of a conference on freedom of information.

In the face of political headwinds from elected court clerks, who see a goldmine in the records, the Texas Supreme Court clerk is now moving to unify public access throughout the Texas courts. A key part of the campaign is the engagement by the high court's Office of Court Administration of a Plano-based tech company to develop a statewide online database called "re:SearchTX."

Earlier this year, a core of clerks joined by a few Texas legislators tried to push a bill through the Texas Legislature that would have preserved the current balkanized system. But the bill died in the state Senate after opposition from the high court, the press and others.

The Freedom of Information Foundation Texas analyzed the underlying conflicts in a conference called' "Transparency = Real News" held Thursday in Austin.

Texas Supreme Court Clerk Blake Hawthorne said he believed that state court clerks, lawmakers and the court have the same goal but there remain "some differences in how to get there."

He said the court's information technology committee has discussed keeping certain cases – like divorce or adoption cases – offline, which should address some privacy concerns.

Continues next page

"New Texas Court Access System,
cont.

"I think it's important for people's confidence in the court system that they are able to see our work, they're able to see what both sides argue," Hawthorne said.

In question and answer period, attorney Paul Watler of Jackson Walker addressed Texas clerks who, in the transition to a new technology, have cloaked their documents in obscurity and delay.

There are federal court rulings from both Texas and California that recognize a First Amendment right of access in the public and the press to complaints to petitions filed that attaches immediately at the time that it's accepted not after it's been processed," Watler said.

Watler represented Courthouse News in a 2009 challenge to Houston clerk Loren Jackson who, fresh off an election win, kicked the press out from behind the counter and made reporters wait up to three days while his staff processed new cases. The Democratic candidate had campaigned on the slogan, "Get online not in line."

U.S. District Judge Melinda Harmon in the Southern District of Texas granted an injunction against Jackson, ordering him to give news reporters access to the new actions on the day they are filed, with exceptions in some categories such as filings that need to be seen immediately by a judge.

Last year, U.S. District Judge S. James Otero in the Central District of California ruled along the same lines, enjoining the clerk in Ventura, California, from withholding the new cases from the press while he processed them, a decision the clerk and the California Supreme Court's rulemaking body, the Judicial Council, have appealed.

And in another ruling last year, U.S. District Judge Edgardo Ramos in the Southern District of New York enjoined the state court clerk in Manhattan from withholding the new electronic filings while he processed them.

"These cases I'm referring to rejected that the processing alone is a significant enough interest to override the First Amendment interest in access," Watler told the panel. Noting the clerks' stated concerns with "privacy," he added, "There's also the issue of access, of public access to information, and that right of access attaches immediately. How has that been weighed in the district clerks' considerations."

Sharena Gilliland, district clerk for Parker County, a suburb of Dallas, answered, "And you're absolutely right, as soon as we get something filed then you're absolutely entitled to copy, to view it, to take the copy with you without a delay in processing. If you come into the office you can get the record immediately."

Also on the panel, Madison Venza, the southern bureau chief for Courthouse News, said it does not work that way.

"Even when reporters physically visit courthouses to obtain records they frequently encounter delays," said the bureau chief. "Every day I send a reporter down the street to the Travis County state court to report on new records filed that day. These records are not online but viewable at the courthouse. His access fluctuates each day due to processing delays. Some days he might see 70 percent of things filed in a given day and other days only 30 percent. The access is not immediate in most counties."

Gilliland lobbied for the clerks' bill and has pushed hard on the issue of privacy, relying on a Supreme Court rule that says personal identifiers should not be put online. "What we see in our courts, essentially it's everyone's worst day," Gilliland said. "You're having a really bad day if you're involved in a lawsuit or a criminal action. From a clerk's perspective, these are our neighbors, so privacy – it's one thing for court records to be public, it's another thing for them to just be available worldwide."

Seated on the panel with the bureau chief and the clerk was the legislator who had carried a bill to wrest control of court filings away from the high court, State Rep. Travis Clardy, R -Nacogdoches.

"We want transparency, we want the openness of the records but the liability – that's a real concern," Clardy said. He was also concerned with "judicial voyeurism," a concept he did not explain.

"Frankly," said Clardy, "I have no desire through this process to assist the up-and -coming TMZs of the media world."

During the legislative session in the spring, Clardy introduced House Bill 1258, which would have allowed counties to "opt in" to the re:SearchTX system with the authorization of the county or district clerk and approval of the county commissioner's court. The bill died in the Texas Senate.

"It seems to me if we rush to make this transparent we run the risk of demeaning or degrading the value of the court system," Clardy said.

But with the advent of e-filing, said Venza, many Texas courts have retreated on public access. "All 254 counties have completely separate systems as far as how you can look at the documents," the bureau chief told the panel.

She pointed to Houston and Tarrant County outside Dallas as courts that continue provide access to all the cases filed during the day on the day they are filed. But 0utside those two courts, "There has been a regression in press and public access to documents since courts transitioned from paper filing to e-filing."

"Dallas County used to have fantastic access when the documents were paper-filed," Venza added. "Delays since e-filing can be one to four days."

The federal courts, including all four federal courts in Texas, have set up "auto-access" systems that provide reporters and the public access upon receipt. As soon as a filing crosses the electronic threshold into the court, it becomes public.

Responsibility for keeping personal identifiers out of court documents falls squarely and entirely on the filing lawyers, as it does in the vast majority of state court systems. Documents under seal are generally filed in paper form.

An increasing number of state courts are joining with the federal courts in sticking to the traditional system of access upon receipt, as they switch over to e-filing. They include courts in Alabama, Arkansas, Connecticut, Georgia, Mississippi, New York, Nevada and Utah.

Bureau chief Venza pointed to the frequent use of something known as an electronic inbox. In electronic form, it mirrors the wooden or plastic press bin into which paper complaints used to be dropped for press inspection as soon as they crossed the counter. Journalists are given a login to access the electronic inbox and can view read only files before any processing takes place, she told the conference, noting that 22 out of 24 New York counties that accept e-filed documents have set up inboxes that allow for access upon receipt.

The prompt access allows reporters to stay on top of the news as it happens and to recognize trends affecting the state as a whole. A uniform system for accessing court records would make it easy for reporters to quickly look at newsworthy documents, and could help cut down on the spread of "fake news," Venza said, as false rumors and hearsay could be more effectively fact-checked and discredited.

Read This For A Marketing Strategy

An investigation by KPNX 12 News-Phoenix uncovered a history of embezzlement by the lab director for the Maricopa County Medical Examiner's Office.

The story calls into question the director's testimony in criminal trials, as lawyers can impeach witnesses with convictions for crimes that that demonstrate dishonesty.

The director's expert testimony in numerous trials is potentially subject to reversal.

Although the director became the subject of a DPS criminal investigation, he was still on the county payroll until KPNX 12 News-Phoenix began an investigation.

When Men Murder Women

The latest analysis of state-level homicide data shows a sharp increase in the rate at which women were slain by single men between 2014 and 2015 despite an overall 20-year decline, according to an annual report released by the Violence Policy Center (VPC) in September.

The 20th annual publication of When Men Murder Women analyzed the most recent Supplementary Homicide Report (SHR) data submitted to the FBI, offering a breakdown of cases in the ten states with the highest rates of female homicides committed by men in 2015. Alaska had the highest femicide rate, followed by Louisiana, Tennessee, South Carolina, Arkansas, Kansas, Kentucky, Texas, New Mexico, and Missouri. VPC notes that data from Florida and Alabama are missing, and data received from Illinois is incomplete.

The study, which only examined instances involving one female victim and one male offender, found that 1,686 females were murdered by males in the U.S. in 2015.

"This is the exact scenario—the lone male attacker and the vulnerable woman—that is often used to promote gun ownership among women," write the authors, zooming in on VPC's main target: gun laws. For 2015, firearms, and especially handguns, were the weapon most commonly used by men to murder women.

The report also notes the findings of a 2003 study from California which showed that while two-thirds of women who get a handgun do so for for protection, "purchasing a handgun provides no protection against homicide among women and is associated with an increase in their risk for intimate partner homicide."

Editor's note: According to the Gun Violence Archive, out of 46,597 incidents of gun violence so far this year, only 1,518 incidents were "defensive use" of a firearm– roughly equal to the number of accidental shootings, which numbered 1,511.

Here are highlights from VPC's analysis of 2015 data on women slain by men:

For homicides in which the victim to offender relationship could be identified, 93 percent of female victims (1,450 out of 1,551) were murdered by a male they knew.

Fourteen times as many females were murdered by a male they knew (1,450 victims) than were killed by male strangers (101 victims).

For victims who knew their offenders, 64 percent (928) of female homicide victims were wives or intimate acquaintances of their killers.

There were 266 women shot and killed by either their husband or intimate acquaintance during the course of an argument.

Nationwide, for homicides in which the weapon could be determined (1,522), more female homicides were committed with firearms (55 percent) than with any other weapon.

Knives and other cutting instruments accounted for 20 percent of all female murders, bodily force 11 percent, and murder by blunt object six percent.

Of the homicides committed with firearms, 69 percent were committed with handguns.

In 84 percent of all incidents where the circumstances could be determined, homicides were not related to the commission of any other felony, such as rape or robbery.

Understanding The So-Called 'Twinkie' Defense

by Robin L. Barton

"The devil made me do it."

You might not be surprised to hear a defendant in a criminal case make that claim. But what about, "Junk food made me do it?" Or cough medicine? Or caffeine?

Although not especially common, these kinds of arguments are still made in criminal cases. In fact, there's even a name for such claims—the so-called "Twinkie defense."

The phrase "Twinkie defense" was coined by the media in 1978 in coverage of the trial of Dan White, who was charged with murder for the shooting deaths of San Francisco Mayor George Moscone and Supervisor Harvey Milk. However, the Twinkie defense is really a myth.

As explained in the San Francisco Gate, the defense presented evidence that White suffered from mental illness, including depression. A psychiatrist testified that White's excessive consumption of junk food—including Twinkies—exacerbated his symptoms and was proof of his depressed state.

But the defense never claimed that eating snack cakes put White in a sugar-induced frenzy that drove him to kill Moscone and Milk—it was the press that pushed that angle. Rather, the actual defense in the case was that White suffered from "diminished capacity" and acted "in the heat of passion."

The jury apparently bought this argument and convicted White of voluntary manslaughter instead of murder.

Despite the truth, the term "Twinkie defense" has become stuck in the public's imagination and the media's vocabulary, essentially being used as shorthand for any defense in which the accused blames the consumption or use of some substance for his or her actions.

Since 1978, variations of the Twinkie defense continue to be made, expanding beyond junk food to include other substances.

For example, Matthew Phelps, an aspiring pastor in North Carolina, was recently accused of stabbing his wife Lauren to death. He says that he woke up to find her covered in blood on the floor but couldn't remember what happened that night. Although Phelps believes that he attacked his wife, he claims that the cough medicine he took to help him sleep caused him to black out. On Sept. 25, 2017, Phelps was indicted on first degree murder charges.

Blaming cough medicine seems to be a fairly popular version of the Twinkie defense.

In 2011, Dr. Louis Chen was accused of murdering his partner Eric Cooper and their two-year-old son. His defense: cough-syrup induced psychosis. That is, his attorneys argued that at the time of the murders, Chen was suffering from mental health issues such as depression and paranoia, which were exacerbated by his use of over-the-counter cough medicine. (Chen ultimately pleaded guilty.)

Also in 2011, James McVay broke into the house of Maybelle Schein and stabbed her to death. He pleaded guilty but mentally ill to murder charges. At sentencing, the defense said that the night before the murder, McVay had mixed alcohol with cough syrup, which caused him to suffer hallucinations. In addition, the defense claimed that McVay suffered from mental illness as well as alcohol and drug abuse issues.

The jury imposed the death penalty, but McVay committed suicide in 2014.

Similarly, Shane Tilley stabbed a friend to death while high on cough medicine. At trial, a doctor testified that he suffered from a schizoaffective disorder. He was found not guilty by reason of insanity and sent to a treatment facility.

Modern versions of the Twinkie defense aren't limited to cough medicine.

Kenneth Sands, a bus driver in Washington, claimed that consuming too much caffeine compelled him to sexually molest five women. He argued that he suffered from a bi-polar disorder and that too much caffeine caused a psychotic episode, driving him to act out of character. He was sentenced to five months' prison.

Monosodium glutamate (MSG) was blamed for James Huberty's 1984 rampage in a San Ysidro McDonald's, which left 21 people dead and 15 wounded. Huberty, who had a long history of mental illness, was killed by the police who responded to the scene.

Huberty's widow and children unsuccessfully sued his former employer and McDonald's, claiming that the MSG in its food, which Huberty regularly ate, and several heavy metals he was exposed to as a welder "combined to cause the violent outburst."

These kinds of claims may seem like self-serving, desperate attempts to avoid responsibility for horrible acts of violence. But there may be some validity to them.

For instance, many cough medicines contains the ingredient dextromethorphan (DXM). When taken in high doses, DXM can cause mania and hallucinations, and result in assault, suicide and homicide, says one study. Because cough syrup containing DXM is easy to get, it has become a popular recreational drug among teenagers.

Researchers found that adolescents who drank more than five cans of non-diet soft drinks per week were significantly more likely to have carried a weapon.

In addition, a study published in Injury Prevention in 2012 found a "significant and strong association" between soda consumption and violence in Boston teens. Specifically, the researchers found that adolescents who drank more than five cans of non-diet soft drinks per week were significantly more likely to have carried a weapon and to have been violent with peers, family members and dates.

So is it so crazy to believe there may be similar connections between the use or consumption of other substances and violent crimes?

It's important to note that aside from asserting some form of the Twinkie defense, there's another common thread to these cases: nearly all of the defendants had underlying mental health issues. In fact, the defense in such cases is typically that the consumption of a particular substance combined with the mental health issues to result in violent behavior.

Thus, the substances in questions aren't solely blamed for the resulting crimes. In other words, no one is claiming that if you eat a Twinkie or take some cough medicine, you'll snap and murder anyone who happens to be near you.

In reality, the Twinkie defense is a form of diminished capacity defense. When a defendant argues diminished capacity, she's claiming that a mental condition, emotional distress or other factor prevented her from fully understanding the nature of the crime she committed.

The purpose of this argument is not to exonerate the defendant but to negate the element of intent and thus result in a conviction for a lesser crime, i.e., manslaughter instead of murder.

In short, no one has ever really blamed bright yellow, cream-filled snack cakes for a murder. But defendants have blamed other substances, combined with underlying mental health issues, for their violent actions and as a plea for leniency.

As long as defendants continue to make such arguments, it's unlikely that the term "Twinkie defense" will disappear, despite the truth of its origins. If nothing else, the persistent use of this term shows the power of the media and its influence on the criminal justice system.

New Restrictions On Hiring Of Foreign Scientists

By Erin Mershon

The Food and Drug Administration is implementing a new hiring protocol that could make it significantly harder for foreign scientists to find jobs and research opportunities at the agency, according to interviews and newly obtained documents.

The FDA recently began directing hiring managers not to extend any employment offers — including for fellowship and contractor positions — to any individual who has not lived in the U.S. for at least three of the five previous years, according to briefing materials shared with STAT that have been presented to some agency employees.

In the documents, the FDA attributed the new hiring protocol to changes associated with the background checks that every government employee must undergo to obtain an ID card.

It's unclear whether other agencies are implementing similar measures. If it is applied more broadly across the government, the policy could upend the research community across federal agencies. The Agriculture Department, the Centers for Disease Control and Prevention, and the Environmental Protection Agency, among others, also host visiting scientists and scholars. A spokeswoman for the National Institutes of Health, which annually hosts thousands of non-citizen scientists from more than 100 countries, said the agency would continue using the protocol it had been using, without any stricter residency requirement.

At the FDA, the change — expected to take effect Oct. 1 — has some staff at the agency "dismayed," and "stunned," two employees told STAT in separate interviews.

"It affects a huge chunk of the scientific workforce," one scientist said, speaking on condition of anonymity because she was not authorized to speak on the matter. "We all heard the presentation and went, 'What?'"

The scientist called the change "devastating" for the agency's talent pool and recruitment efforts and suggested that many key staffers would not have been hired if the policy had been in place in the past.

In a statement, a spokeswoman for the FDA said the agency was acting in according with guidance from the Department of Homeland Security, which has authority over the ID cards. "The agency is committed to accurately reflect the DHS policy and will continue to evaluate its implementation plans, and make adjustments as appropriate," the spokeswoman said.

The new hiring protocol centers on applications for an ID card, known as a Personal Identity Verification or PIV card, that is required for nearly every government employee. To get the card, all employees must undergo a relatively standard background check.

Because the government is now soliciting more information as part of that background check, it can't complete the investigation unless an individual has lived in the U.S. for three of the last five years, according to the FDA document.

"It is strongly suggested that hiring managers inquire of prospective hires how long they have resided in the U.S. prior to extending an offer," the document reads.

That had not been the policy in the past, including at the FDA. The official government-wide policy on the ID cards, from 2008, does separate non-citizens into two groups: those who have lived in the U.S. for at least three years, and those who have not. It does not mention a "three-out-of-five" criterion.

The 2008 policy says agencies looking to employ non-U.S. citizens who haven't lived in the U.S. for three years can delay the background check until they do, and instead rely on a different ID card to conduct their daily business.

It isn't clear why the FDA made the change this year. The document cites a Jan. 13 Department of Health and Human Services internal policy document that updates the agency's procedures for the ID cards. The FDA also referenced the Jan. 13 update from HHS. But an HHS spokesman said the internal document did not include new policies on a residency requirement.

The HHS spokesman said any new background check and ID card policies were government-wide and promulgated by the Office of Personnel Management.

But it was unclear whether the stricter residency requirement referenced in the FDA document is a new policy from OPM, which is in the process of updating federal background check guidelines, or only the FDA's new interpretation of them, since individual agencies have discretion to go further than OPM rules in their departmental policies.

The HHS spokesman also emphasized that any change related to ID cards and background checks was not a mandate about hiring decisions. Those policies, implemented across the government, "[do] not dictate federal agency hiring authorities," he said.

Other government agencies, for example, could try to find a workaround for hires that might be able to work temporarily without a PIV card.

At other agencies, including the NIH, for example, non-citizen new hires have been able to go through a separate background check process to obtain a "Restricted Local Access" card, rather than a PIV ID card. That allowed them to be hired even if they did not have access to government data systems. That same process will continue, the NIH spokeswoman said.

Visiting scientists are hired under a range of authorities that vary between and even inside federal agencies, and it isn't clear how many of them rely on PIV cards or would be able to conduct most of their work with an alternate ID card.

The FDA document said the change will not impact non-citizen workers currently employed at the agency.

The document also suggests the policy change had been shared last month with executive officers from the agency's main security, human resources, and operations teams, its ethics office, the chief scientist and general counsel, as well as the agency's senior science council.

It's difficult to determine exactly how many foreign-born individuals work in the U.S. government, but many of the opportunities for non-citizens are in the sciences.

The NIH alone hosts more than 2,000 non-citizen scientists, and staffs an entire office to assist them with immigration and transition issues. The FDA also employs more than 100 visiting scientists and associates, according to a review of agency directories. CDC, too, employs a handful. So do agencies outside of HHS. The EPA has a visiting scientist program, as does the USDA and other research agencies. HHS even offers a training video on its website entitled "Mentoring International Postdocs."

The scientific community in particular has emphasized the importance of international collaboration. More than 182 professional societies castigated President Trump's travel ban earlier this year for the impact it would have on industry and academia.

"Scientific progress depends on openness, transparency, and the free flow of ideas and people, and these principles have helped the United States attract and richly benefit from international scientific talent," the groups wrote. "To remain the world leader in advancing scientific knowledge and innovations, the U.S. science and technology enterprise must continue to capitalize on the international and multicultural environment within which it operates."

BRB Publications Launches Free Online Portal For Searching Public Records

BRB Publications, the nation's premier publisher of references and websites used for locating public records, is pleased to announce the launch of BRB Search, a free online portal for searching public records.

The new portal is an easy search approach to view contact information and links to free online look-ups for over 20,000 government agencies. The new portal represents an alternative to the existing look-up method which is more of a drill down approach. BRB Search also includes contact information for county court and recording offices, 20 core state agencies per state, occupational licensing boards, federal courts, members of the Public Record Retriever Network (PRRN) by county, plus there is an adjoining county search feature.

"The new online experience from BRB Publications will help improve productivity and efficiency for our prospective customers as well as give them immediate tools they need to make relevant decisions based on access of public record data", says CEO of BRB Publications, Michael Sankey.

BRB Publications continues to implement innovative technologies and modernize its processes to better serve its client base and those who depend on the free information displayed at the BRB Publication website. The new cyber portal is among a number of steps BRB Publications is taking to set standards for industry innovation.

To access BRB Search, please visit https://www.brbpublications.com/gen/brbsearch.aspx.

Judge Rules That Colorado' Sex Offender Registry Law Is Unconstitutional

posted on BRB Blog

On August 31, 2017, the U.S. District Court in Colorado ruled that Colorado's sex offender registry law is cruel and unusual punishment. Per U.S. District Court Judge Richard Matsch's ruling, the Colorado's sex-offender registry violated the Constitutional rights of three sex offenders who sued regarding the way the public has access to the list.

Per the ruling, Judge Matsch found that Colorado's registration act poses a "serious threat of retaliation, violence, ostracism, shaming, and other unfair and irrational treatment from the public" for sex offenders and their families.

While there are similar cases in other states challenging sex-offender registries, this case only involves the three plaintiffs. But this ruling could have far reaching implications should the Colorado Attorney General's Office appeal the ruling to the 10th Circuit Court of Appeal and lose, and/or if an appeal eventually reaches the U, S. Supreme Court.

The ruling may be viewed at PACER - Case 1:13-cv-02406-RPM Document 106 Filed 08/31/17 USDC Colorado.

Straightline International Offers Best Prices in Puerto Rico

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UK's Online Records System Being Ditched

The Disclosure and Barring Service, responsible for processing requests for criminal records checks, has taken the gamble of using the Government Digital Service's online ID system authentication portal.

From next year, users will be able to apply direct to DBS for an online check. "As part of the online application you'll need to prove your identity through GOV.UK Verify," it said.

However, the system has taken years to get off the ground, with its performance dashboard suggesting lots of people are still not able to authenticate themselves with the service: the completion rate is still just 38 per cent.

One problem is that the identity providers, mainly Experian at this point, fail to recognise anyone without a digital footprint (young adults, women who've taken their husbands names etc.).

An insider remarked: "I can't see this ending well. It will be successful, however, in fulfilling its name – with barring of many users!"

Facebook To Monitor For Crimes And Murders Online

Facebook plans to hire another 3,000 people to review videos and other posts after getting criticized for not responding quickly enough to murders shown live on its service.

The hires over the next year will be on top of the 4,500 people Facebook already has to identify crime and other questionable content for removal.

CEO Mark Zuckerberg wrote that the company is "working to make these videos easier to report so we can take the right action sooner — whether that's responding quickly when someone needs help or taking a post down."

One thing is apparent - the announcement is a clear sign that Facebook continues to need human reviewers to monitor content, even as it tries to outsource some of the work to software due in part to its sheer size and the volume of stuff people post

A Note From Phyllis Nadel

Hurricane System Has Walloped Most Of The Eastern Caribbean

It has been impossible not to notice that this hurricane season has been one the worst ever seen.

News reports show videos of the destruction of these islands infrastructure.

How does that affect us in the pre-employment screening industry?

Mainly, the island of Puerto Rico has reopened its courts. Its clerks offices are functioning; therefore, you can accept and send your requests for criminal record background searches to us here at Straightline International.

We hope this comes as good news, Meanwhile, I'll keep you updated as or if circumstances change.

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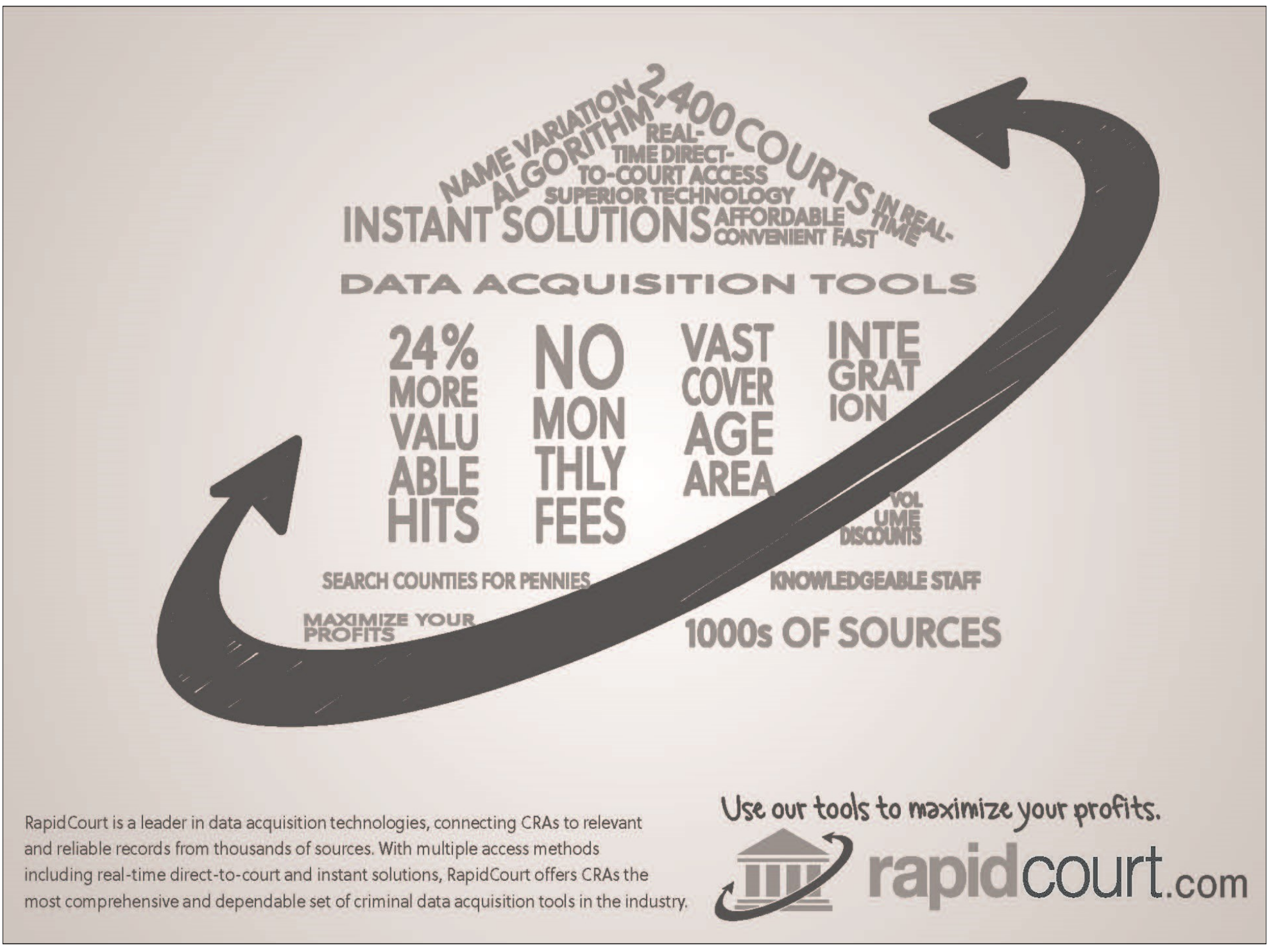

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