The BackGround Investigator

Your Information Resource

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Lawsuits, Like The Plague..

Continue Haunting The Industry

Most Mass. Criminal Cases Are Still At District Court

The Massachusetts AG's office said a background check company told consumers that certain background checks would "include a review of criminal records for the 'states and/or counties' in which the caregiver resided during the prior seven years."

But the AG's office says these checks did not "routinely check criminal records from District Courts in the state."

The AG's office added: "In Massachusetts, the District Courts maintain the vast majority of misdemeanor records, as well as many felony records.


Kowloon, Hong Kong Court

D.C. Court: Accessing Public Information is Not a Computer Crime

Good news for anyone who uses the Internet as a source of information: A district court in Washington, D.C. has ruled that using automated tools to access publicly available information on the open web is not a computer crime—even when a website bans automated access in its terms of service. The court ruled that the notoriously vague and outdated Computer

Fraud and Abuse Act (CFAA)—a 1986 statute meant to target malicious computer break-ins—does not make it a crime to access information in a manner that the website doesn't like if you are otherwise entitled to access that same information.

The case, Sandvig v. Sessions, involves a First Amendment challenge to the CFAA's overbroad and imprecise language. The plaintiffs are a group of discrimination researchers, computer scientists, and journalists who want to use automated access tools to investigate companies' online practices and conduct audit testing. The problem: the automated web browsing tools they want to use (commonly called "web scrapers") are prohibited by the targeted websites' terms of service, and the CFAA has been interpreted by some courts as making violations of terms of service a crime. The CFAA is a serious criminal law, so the plaintiffs have refrained from using automated tools out of an understandable fear of prosecution. Instead, they decided to go to court. With the help of the ACLU, the plaintiffs have argued that the CFAA has chilled their constitutionally protected research and journalism.

The CFAA makes it illegal to access a computer connected to the Internet "without authorization," but the statute doesn't tells us what "authorization" or "without authorization" means. Even though it was passed in the 1980s to punish computer intrusions, it has metastasized in some jurisdictions into a tool for companies and websites to enforce their computer use policies, like terms of service (which no one reads). Violating a computer use policy should by no stretch of the imagination count as a felony.

In today's networked world, where we all regularly connect to and use computers owned by others, this pre-Internet law is causing serious problems. It's not only chilled discrimination researchers and journalists, but it has also chilled security researchers, whose work is necessary to keep us all safe. It is also threatening the open web, as big companies try to use the law as a tool to block competitors from accessing publicly available data on their sites. Accessing publicly available information on the web should never be a crime. As law professor Orin Kerr has explained, publicly posting information on the web and then telling someone they are not authorized to access it is "like publishing a newspaper but then forbidding someone to read it."

Luckily, Judge John Bates recognized the critical role that the Internet plays in facilitating freedom of expression—and that a broad reading of the CFAA "threatens to burden a great deal of expressive activity, even on publicly accessible websites." The First Amendment protects not only the right to speak, but also the right to receive information, and the court held that the fact "[t]hat plaintiffs wish to scrape data from websites rather than manually record information does not change the analysis." According to the court:

"Scraping is merely a technological advance that makes information collection easier; it is not meaningfully different from using a tape recorder instead of taking written notes, or using the panorama function on a smartphone instead of taking a series of photos from different positions."

Judge Bates did not strike down the law as unconstitutional, but he did rule that the statute must be interpreted narrowly to avoid running afoul of the First Amendment. Judge Bates also said that a narrow construction was the most common sense reading of the statute and its legislative history.

Judge Bates is the second judge this year to recognize that a broad interpretation of the CFAA will negatively impact open access to information on the web. Last year, Judge Edward Chen found that a "broad interpretation of the CFAA invoked by LinkedIn, if adopted, could profoundly impact open access to the Internet, a result that Congress could not have intended when it enacted the CFAA over three decades ago."

The government argued that the plaintiffs did not have standing to pursue the case, in part because there was no "plausible threat" that the government was going to prosecute them for their work. But as the judge pointed out, the government has attempted to prosecute "harmless ToS violations" in the past.

The web is the largest, ever-growing data source on the planet. It is a critical resource for journalists, academics, businesses, and ordinary individuals alike. Meaningful access sometimes requires the assistance of technology to automate and expedite an otherwise tedious process of accessing, collecting and analyzing public information. Using technology to expedite access to publicly available information shouldn't be a crime—and we're glad to see another court recognize that.

Western Australia Sex Offender Registry Online

www.communityprotection.wa.gov.au

Meet Steven Brownstein On LinkedIn

PUBLISHER
Steven Brownstein

CONTRIBUTORS:
Les Rosen, Dennis Brownstein, Phyllis Nadel

COVER PHOTOGRAPH: Kowloon, Hong Kong Courthouse

COVER PHOTOGRAPHER:
Fred Frankel

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The Background Investigator is published by Steven Brownstein, LLC, PMB 1007, Box 10001, Saipan, MP 96950. Phone: 670-256-7000.

SUBSCRIPTIONS: Toll free USA 1-866-909-6678

Everyone In The Cook County Criminal Court System Too Busy Pointing Fingers To Fix Its Antiquated Records System

from the carbon-paper?--seriously? dept

When you write regularly about lawsuits, you learn very quickly that not all court systems are equal when it comes to allowing modern access to public filings and records. The country is a veritable panoply of an access spectrum, with some districts offering modern e-filing systems and websites to review documents, while other districts are far more antiquated and restrictive. That said, it's hard to imagine a county court system more backwards than that of Chicago's Cook County.

Every workday, attorneys enter criminal courtrooms across Cook County, put away their smartphones and operate in a world that their grandparents would have recognized: accordion-style Manila folders to hold paper documents, handwritten orders for judges to sign, even carbon paper to make copies of the paper filings.

“God help us all if the carbon didn’t take,” said defense attorney Alana De Leon, who had never used the outdated copying method — invented more than two centuries ago — before setting foot in a West Side branch court a few years ago.

While the Tribune article notes that these antiquated techniques result in derisive jokes from the attorneys forced to use them, the reality is that they are no laughing matter. The article tells the story of a woman looking for filing information for her boyfriend's criminal court case and was forced to travel 14 miles just to find out what charges her boyfriend was facing. And this sort of thing isn't reserved for the lay public. Criminal defense attorneys must also make a similar trek just to find out the basic case information for any clients they may take on in Cook County as well. In the surrounding counties, this information would be available via e-filings via an internet connection. In Cook County, home to the third largest city in the union, its all physical filings and carbon copies.

Circuit Court Clerk Dorothy Brown, in charge of this love letter to the days of robber barons, does not want to hear you blame her for any of this, however.

Circuit Court Clerk Dorothy Brown bristled at the suggestion that her office has been slow to adapt to the internet age, telling the Tribune in an hourlong interview last week that a complete overhaul of the criminal case management system is expected to be completed by March 2019. Brown spoke of an “interactive” system in which much of the work performed by attorneys and judges in the courtrooms could be done electronically. Brown said her ultimate goal is to end the reliance on ink and paper.

While that may all sound good, if quite late, it's worth noting that Brown is the same Clerk that has gone to court to block press access to e-filings in recent weeks.

Dorothy Brown, Chicago’s elected court clerk, filed her appeal notice this week, challenging a ruling in early January by U.S. District Judge William Kennelly. The judge found the First Amendment prohibits the clerk from withholding new efiled complaints, a regular source of news, from the press corps. He gave the clerk 30 days to provide access.

She made no move to comply and continues to argue that she must first screen the filings for confidentiality. In his 16-page opinion, Kennelly found that argument belied by a number of effective alternatives available to the clerk.

It's moves like that which create the impression that the lack of transparency that comes along with Cook County's laughably anachronistic records systems is a feature rather than a bug. Cook County has long been a place where county and city officials have played a game of subterfuge with the press and the public, hiding legal machinations as well as actions taken by the city, such as million dollar payouts to the families of victims of police shootings. Making the court system as opaque as possible for as long as possible seems to be the goal.

Brown, of course, insists otherwise and blames the state Supreme Court and Chief Judge Timothy Evans for Cook County's woes.

Brown said her hands have been tied by the Illinois Supreme Court dragging its feet in allowing e-filing statewide in criminal cases for the first time just last year. She also blamed Chief Judge Timothy Evans’ office for blocking her from making basic docket information available online for criminal cases.

In an email, however, Evans’ spokesman, Pat Milhizer, denied Brown’s claim, saying his office would consider any such proposal from the circuit clerk.

Many will say this all smells of classic Chicago machine politics. And, in many respects, it certainly comes off that way. The suburban counties all have modern e-filing systems in place, after all, including several rural counties that don't have nearly the breadth of resources afforded to Cook County. What should be kept top of mind, however, is the tax all of this puts on the public and its interest in justice in the county. Going back to defense attorney De Leon and the use of technology as outdated as carbon copy:

“To a certain extent ... the lack of transparency kind of is the ugly product of the old system,” De Leon said. “I don’t know if it’s necessarily on purpose — to keep this information away from the average citizen — but it certainly is a consequence of that.”

And no amount of CYA or finger-pointing should distract anyone from the obvious reality that the public is not being well-served by the Cook County court filing system.

Vietnamese Crime Rate In Japan Stands At All-Time High

The reputation of Vietnamese people living in Japan has been tarnished following a Japanese police report that said they committed more crimes than any other foreign non-permanent residents living in the country last year.

Vietnam's expat community has taken over the unwanted top spot from China, Japanese police reported on Thursday, according to Kyodo News.

Police recorded 5,140 crimes committed by Vietnamese people in 2017, up from 3,177 the year before and accounting for 30.2 percent of the total number of crimes committed by foreign nationals.

Shoplifting accounted for 2,037 cases, while cases of burglary jumped to 325 in 2017 from just 12 the previous year.

The infamous list includes China in second with 4,701 criminal cases, followed by Brazil (1,058) and South Korea (1,038).

In terms of numbers of offenders, China stood top with 3,159 nationals, followed by Vietnam with 2,549, Kyodo cited data from Japan’s National Police Agency as saying.

The agency said the number of non-permanent residents from Vietnam grew more than six-fold from 2008 to 2017, when it reached about 260,000.

Vietnam has surpassed Brazil to become the fourth biggest minority group in Japan.

The number of Vietnamese students in Japan grew more than 12-fold between 2010 and 2016 to around 54,000, Bloomberg cited the Japan Student Services Organization (JASSO) as saying in a report last year.

New York's Criminal Database Will Now Have Access To FBI Records

Congress closed a gaping loophole in sex offender laws.

Daycares, summer camps and other youth organizations once restricted to New York's Criminal Database, will now have access to records from the FBI.

Until now, they were costly and time-consuming, which Congressional leaders say discouraged groups from rigorous background checks.

The FBI sex offender database is considered the most accurate and complete.

Now a new law is unlocking that information for youth organizations to keep your children safe.

Keeping up with two toddlers is a rewarding adventure.

Like any grandparent, Marilyn Schmidt wants to know her granddaughters are always in good hands.

"Back in the day it wasn't so much of an issue as it is today. I think with heightened awareness certainly, the concerns and issues of not having a background check are becoming more publicized," Schmidt said.

Now there's an added layer of protection.

Congress passed a bill that unlocks the FBI Sex Offender Database for youth organizations.

That's important, becomes some groups could not access out-of-state records. Meaning a person's criminal history elsewhere is hidden from New York's Sex Offender Registry.

"Background checks, finger printing, it is all so important," said Justin Reuter, Executive Director of the Albany Boys and Girls Club.

Fortunately, for groups like Boys and Girls Club, rigorous background checks are part of their national standard.

This new law enhances their resources.

"Families are entrusting their children to come to the boys and girls club or any other non-profit that serves youth and they want to make sure they are around somebody who is safe," Reuter said.
That's the number one priority for Marilyn Schmidt, safety and of course a little fun.

"That's my biggest thing is keeping them safe and keeping them happy," Schmidt said.

Under the previous statute, an organization had to apply for a background check through its state for each individual employee.

The bill will not impose any new or unfunded mandates on the states.

Uber Can't Get It Right

Uber has been sued so many times you would think they'd learn. Their new choice of a background screening company has put your safety at risk. Another lawsuit waiting to happen!

Pass this Edition along

Does ClearStar Inc's (LON:CLSU) - 47.31% Earnings Drop Reflect A Longer Term Trend?

by Ray Foley

When ClearStar Inc (AIM:CLSU) announced its most recent earnings (30 June 2017), I compared it against two factor: its historical earnings track record, and the performance of its industry peers on average. Being able to interpret how well ClearStar has done so far requires weighing its performance against a benchmark, rather than looking at a standalone number at a point in time. In this article, I've summarized the key takeaways on how I see CLSU has performed.

Was CLSU's recent earnings decline indicative of a tough track record?

I like to use the 'latest twelve-month' data, which either annualizes the most recent 6-month earnings update, or in some cases, the most recent annual report is already the latest available financial data. This method allows me to analyze various companies in a uniform manner using the latest information. For ClearStar, its most recent bottom-line (trailing twelve month) is -US$2.19M, which, in comparison to the prior year's figure, has become more negative. Since these figures may be relatively short-term thinking, I have created an annualized five-year figure for ClearStar's net income, which stands at -US$1.39M. This doesn't look much better, since earnings seem to have steadily been getting more and more negative over time.

We can further evaluate ClearStar's loss by looking at what the industry has been experiencing over the past few years. Each year, for the last five years ClearStar's top-line has grown by 19.77% on average, implying that the company is in a high-growth period with expenses shooting ahead of revenues, leading to annual losses. Viewing growth from a sector-level, the UK professional services industry has been growing, albeit, at a subdued single-digit rate of 3.78% in the previous year, and 9.69% over the last five years. This means that whatever near-term headwind the industry is facing, it's hitting ClearStar harder than its peers.

What does this mean?

While past data is useful, it doesn't tell the whole story. With companies that are currently loss-making, it is always hard to forecast what will happen in the future and when. The most insightful step is to assess company-specific issues ClearStar may be facing and whether management guidance has steadily been met in the past. I suggest you continue to research ClearStar to get a better picture of the stock

Florida Could Start A Criminal Justice Data Revolution

There's no such thing as the US criminal justice system. There are, instead, thousands of counties across the country, each with their own systems, made up of a diffuse network of sheriffs, court clerks, prosecutors, public defenders, and jail officials who all enforce the rules around who does and doesn't end up behind bars. It's hard enough to ensure that key details about a case pass from one node of this convoluted web to the other within a single county; forget about at the state or national level.

That's what makes a new criminal justice reform bill now making its way to Florida governor Rick Scott's desk especially noteworthy. The Florida Legislature recently approved a bill, introduced by Republican state representative Chris Sprowls, that requires every entity within the state's criminal justice system to collect an unprecedented amount of data and publish it in one publicly accessible database. That database will store anonymized data about individual defendants—including, among other things, previously unrecorded details about their ethnicities and the precise terms of their plea deals. It will also include county-level data about the daily number of people being held in a given jail pre-trial, for instance, or a court's annual misdemeanor caseload. All in, the bill requires counties to turn over about 25 percent more data than they currently do.

Until now, in Florida and in most states, some of this information has remained trapped in arcane, disconnected databases, and sometimes even in filing cabinets. As a former gang and homicide prosecutor, Sprowls says he often struggled to find even something as simple as recidivism rates within a given county. "We were really flying blind," he says. "We didn't have access to the data, because it was in so many different places, it was virtually unusable."

Recently some local governments, including California's, have taken steps to make county-level criminal justice data public, but experts say no state has gone as far as the Florida bill. It's the first state to require this level of transparency at the case-by-case level, unlocking a wealth of nuanced information that could help lawmakers more easily detect the kind of problematic patterns and biases that plague courts and law enforcement agencies across the country.

"Florida is without question, without hesitation, now the leader in data transparency, reporting, and measurement across the country, and they don't pay me to say that," says Deborrah Brodsky, director of Florida State University's Project on Accountable Justice.

Florida has hardly been immune to accusations of bias. Beginning in 2016, The Herald Tribune began publishing a series of investigations into racial bias in Florida courts. Among the statistics the paper unearthed: In felony cases where black and white defendants with the same criminal history were charged with the same crime, judges sentenced black defendants to longer prison sentences 60 percent of the time.

But almost as troubling as the statistics was the Herculean effort required to sift through the five separate databases and boxes of court documents that contained the underlying information. In recent years, some non-profit groups have sprung up to collect, clean, and publish this kind of data. One, in particular, called Measures for Justice, worked closely with the Florida lawmakers who designed this bill.

Last fall, Sprowls invited Amy Bach, executive director of Measures for Justice, which launched its own criminal justice data portal last year, to present the organization's findings to the Florida House Judiciary Committee. The Measures for Justice team had spent years traveling county-to-county, digging through spreadsheets and dusty file folders, collecting data that reflects the equitability of a given state's criminal justice system.

Even with that time-intensive effort, in most Florida counties, the Measures for Justice team only found information on 18 of the 32 measurements they were looking for. "It's not only Florida's problem. It's a national one. Criminal justice data in this country is a mess," Bach says. "The different agencies don't talk to teach other. How can we possibly make informed policy decisions?"

The Florida lawmakers asked the Measures for Justice team about the obstacles they faced, Bach remembers, and within months, the bill was introduced. "The amount of man hours that had to go into collecting that, almost manually, and doing pubic records requests was astronomical," Sprowls says. "I thought both as a lawmaker and a resident of Florida, it shouldn't be that difficult for people to understand how our system works and whether it's functioning properly."

The Florida bill will require the collection of all of the data that Measures for Justice has been seeking and then some. It will not, however, include historical data. One area of particular interest for both Bach and Brodsky: the never-before-seen details of defendants' plea agreements. As Bach says, plea deals are the "black box" of the criminal justice system. Defendants are often pressured into accepting these deals to avoid harsher punishment, but the closed-door conversations that lead up to these deals are never revealed to researchers or lawmakers. Now, they will be. "It's really holding prosecutors' feet to the fire," says Bach.

Other researchers say that the publicly available race and ethnicity data could uncover instances of bias more quickly than in the past. "Florida's effort to uniformly gather, analyze, and disseminate more data about race and the criminal justice system will likely increase the legitimacy of, and public trust in, the system," says Ram Subramanian, editorial director of the Vera Institute for Justice, which has published reports on racial disparities among incarcerated people.

If Governor Scott does sign this bill, Florida still has obstacles to overcome in implementing it. It will require a multi-million dollar investment in technology that can connect these disparate databases and present them in a user-friendly manner to the public. While most of the data-sharing requirements would take effect in 2019, the state plans to pilot the project this year in Florida's 6th circuit court. Sprowls acknowledges there will be plenty of kinks to work out along the way, but he believes the process will be well worth it. If done properly, this effort could not only yield much-needed criminal justice policy changes in Florida, but also serve as a model for the country as a whole.

Micronesia

Q:We have a client possibly interested in requested Criminal searches out of Micronesia. Could you give us an estimated turnaround time as well as costs?

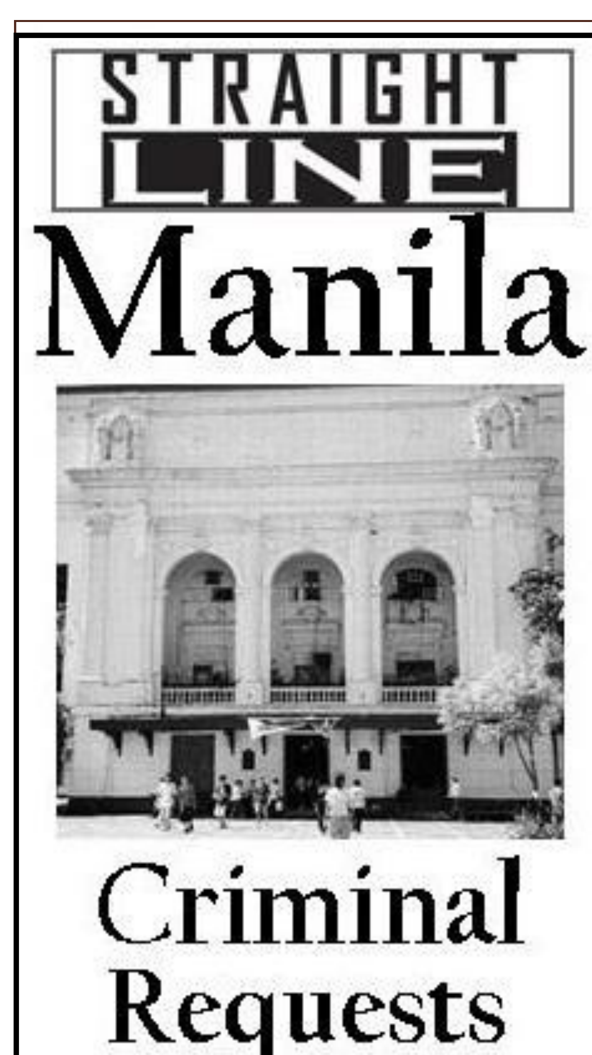
A: It will probably depend on where in Micronesia your client is referring.
If it is the Federated States of Micronesia your cost is $68.

Then I would need to know which State (Pohnpei, Kosrae, Chuuk or Yap). They are all separate and spread hundreds of miles across the Pacific Ocean.

Perhaps though, your client means Micronesia as an area in the Pacific that includes Guam or the Northern Mariana Islands (Saipan, Tinian, or Rota).

Then your cost would be - Guam $29 or the Northern Mariana Islands $55.

TAT is Federated States of Micronesia 3-7 days, Guam 7-10 days, Northern Mariana Islands 1-5 days.



Crime-Predicting Algorithms May Not Fare Much Better Than Untrained Humans

The American criminal justice system couldn't get much less fair. Across the country, some 1.5 million people are locked up in state and federal prisons. More than 600,000 people, the vast majority of whom have yet to be convicted of a crime, sit behind bars in local jails. Black people make up 40 percent of those incarcerated, despite accounting for just 13 percent of the US population.

With the size and cost of jails and prisons rising—not to mention the inherent injustice of the system—cities and states across the country have been lured by tech tools that promise to predict whether someone might commit a crime. These so-called risk assessment algorithms, currently used in states from California to New Jersey, crunch data about a defendant's history—things like age, gender, and prior convictions—to help courts decide who gets bail, who goes to jail, and who goes free.

But as local governments adopt these tools, and lean on them to inform life-altering decisions, a fundamental question remains: What if these algorithms aren't actually any better at predicting crime than humans are? What if recidivism isn't actually that predictable at all?

That's the question that Dartmouth College researchers Julia Dressel and Hany Farid set out to answer in a new paper published today in the journal Science Advances. They found that one popular risk-assessment algorithm, called Compas, predicts recidivism about as well as a random online poll of people who have no criminal justice training at all.

"There was essentially no difference between people responding to an online survey for a buck and this commercial software being used in the courts," says Farid, who teaches computer science at Dartmouth. "If this software is only as accurate as untrained people responding to an online survey, I think the courts should consider that when trying to decide how much weight to put on them in making decisions."

Man Vs Machine

While she was still a student at Dartmouth majoring in computer science and gender studies, Dressel came across a ProPublica investigation that showed just how biased these algorithms can be. That report analyzed Compas's predictions for some 7,000 defendants in Broward County, Florida, and found that the algorithm was more likely to incorrectly categorize black defendants as having a high risk of reoffending. It was also more likely to incorrectly categorize white defendants as low risk.

That was alarming enough. But Dressel also couldn't seem to find any research that studied whether these algorithms actually improved on human assessments.

"Underlying the whole conversation about algorithms was this assumption that algorithmic prediction was inherently superior to human prediction," she says. But little proof backed up that assumption; this nascent industry is notoriously secretive about developing these models. So Dressel and her professor, Farid, designed an experiment to test Compas on their own.

Using Amazon Mechanical Turk, an online marketplace where people get paid small amounts to complete simple tasks, the researchers asked about 400 participants to decide whether a given defendant was likely to reoffend based on just seven pieces of data, not including that person's race. The sample included 1,000 real defendants from Broward County, because ProPublica had already made its data on those people, as well as information on whether they did in fact reoffend, public.

They divided the participants into groups, so that each turk assessed 50 defendants, and gave the following brief description:

The defendant is a [SEX] aged [AGE]. They have been charged with: [CRIME CHARGE]. This crime is classified as a [CRIMI- NAL DEGREE]. They have been convicted of [NON-JUVENILE PRIOR COUNT] prior crimes. They have [JUVENILE-FELONY COUNT] juvenile felony charges and [JUVENILE-MISDEMEANOR COUNT] juvenile misdemeanor charges on their record.

That's just seven data points, compared to the 137 that Compas amasses through its defendant questionnaire. In a statement, Equivant says it only uses six of those data points to make its predictions. Still, these untrained online workers were roughly as accurate in their predictions as Compas.

Overall, the turks predicted recidivism with 67 percent accuracy, compared to Compas' 65 percent. Even without access to a defendant's race, they also incorrectly predicted that black defendants would reoffend more often than they incorrectly predicted white defendants would reoffend, known as a false positive rate. That indicates that even when racial data isn't available, certain data points—like number of convictions—can become proxies for race, a central issue with eradicating bias in these algorithms. The Dartmouth researchers' false positive rate for black defendants was 37 percent, compared to 27 percent for white defendants. That roughly mirrored Compas' false positive rate of 40 percent for black defendants and 25 percent for white defendants. The researchers repeated the study with another 400 participants, this time providing them with racial data, and the results were largely the same.

"Julia and I are sitting there thinking: How can this be?" Farid says. "How can it be that this software that is commercially available and being used broadly across the country has the same accuracy as mechanical turk users?"

Imperfect Fairness

To validate their findings, Farid and Dressel built their own algorithm, trained it with the data on Broward County, including information on whether people did in fact reoffend. Then, they began testing how many data points the algorithm actually needed to retain the same level of accuracy. If they took away the defendant's sex or the type of crime the person was charged with, for instance, would it remain just as accurate?

What they found was the algorithm only really required two data points to achieve 65 percent accuracy: the person's age, and the number of prior convictions. "Basically, if you're young and have a lot of convictions, you're high risk, and if you're old and have few priors, you're low risk," Farid says. Of course, this combination of clues also includes racial bias, because of the racial imbalance in convictions in the US.

That suggests that while these seductive and secretive tools claim to surgically pinpoint risk, they may actually be blunt instruments, no better at predicting crime than a bunch of strangers on the internet.

Equivant takes issue with the Dartmouth researchers' findings. In a statement, the company accused the algorithm the researchers built of something called "overfitting," meaning that while training the algorithm, they made it too familiar with the data, which could artificially increase the accuracy. But Dressel notes that she and Farid specifically avoided that trap by training the algorithm on just 80 percent of the data, then running the tests on the other 20 percent. None of the samples they tested, in other words, had ever been processed by the algorithm.

Despite its issues with the paper, Equivant also claims that it legitimizes its work. "Instead of being a criticism of the COMPAS assessment, [it] actually adds to a growing number of independent studies that have confirmed that COMPAS achieves good predictability and matches," the statement reads. Of course, "good predictability" is relative, Dressel says, especially in the context of bail and sentencing. "I think we should expect these tools to perform even better than just satisfactorily," she says.

The Dartmouth paper is far from the first to raise questions about this specific tool. According to Richard Berk, chair of the University of Pennsylvania's department of criminology who developed Philadelphia's probation and parole risk assessment tool, there are superior approaches on the market. Most, however, are being developed by academics, not private institutions that keep their technology under lock and key. "Any tool whose machinery I can't examine, I'm skeptical about," Berk says.

While Compas has been on the market since 2000 and has been used widely in states from Florida to Wisconsin, it's just one of dozens of risk assessments out there. The Dartmouth research doesn't necessarily apply to all of them, but it does invite further investigation into their relative accuracy.

Continues

London Daily

Crime-Predicting Algorithms, continued

Still, Berk acknowledges that no tool will ever be perfect or completely fair. It's unfair to keep someone behind bars who presents no danger to society. But it's also unfair to let someone out onto the streets who does. Which is worse? Which should the system prioritize? Those are policy questions, not technical ones, but they're nonetheless critical for the computer scientists developing and analyzing these tools to consider.

"The question is: What are the different kinds of unfairness? How does the model perform for each of them?" he says. "There are tradeoffs between them, and you cannot evaluate the fairness of an instrument unless you consider all of them."

Neither Farid nor Dressel believes that these algorithms are inherently bad or misleading. Their goal is simply to raise awareness about the accuracy—or lack thereof—of tools that promise superhuman insight into crime prediction, and to demand increased transparency into how they make those decisions.

"Imagine you're a judge, and you have a commercial piece of software that says we have big data, and it says this person is high risk," Farid says, "Now imagine I tell you I asked 10 people online the same question, and this is what they said. You'd weigh those things differently." As it turns out, maybe you shouldn't.

Abu Dhabi Goes Online

Abu Dhabi Global Market Courts (ADGM Courts) has announced the launch of the ADGM Courts ePortal.

The eCourts platform, according to ADGM, revolutionises the delivery of civil and commercial judicial dispute-resolution services and transforms the way courts interact with litigants and the legal profession.

Developed in partnership with global technology corporation, Microsoft, the Integrated eCourt Platform provides a comprehensive, digital court record. Users can initiate, manage and monitor their cases 24-7, from anywhere in the world, through the device of their choosing.

Ahmed Ali Al Sayegh, Chairman of ADGM, said, "Technological advances in ADGM resonate with the digital transformation of Abu Dhabi's economy. We believe that the establishment of these end-to-end, unique, fully digital and mobile-enabled judicial resolution services is transformative. There will be no boundaries of time, location or efficiency in progressing cases before ADGM Courts; they are courts that truly serve the local and global investors, and business communities".

Through the new platform residents can file documents and receive SMS notifications pertaining to progress of their case and changes to the digital court file. Electronic evidence bundles are included in the court file at no additional cost to any party, and court hearings are conducted through video conferencing, accessed via an integrated calendar.

The eCourt Platform also provides a secure payment gateway for clients and lawyers, with immediate access to invoices and receipts, and instantaneous publication of orders and judgments on cases. Combined, the platform's features deliver a holistic judicial dispute-resolution service, resulting in substantial time and cost savings to litigants and their lawyers.

The platform is an end-to-end solution built on Microsoft's Azure cloud platform, incorporating elements of the company's industry-leading, smart commerce platform, Dynamics 365. This platform eliminates paper, and virtual trials and hearings via video conferencing reduces further costs.

ADGM Courts, supported by Microsoft, are continuing to implement digital solutions across all aspects of ADGM's dispute-resolution services. Both organisations are committed to the design and implementation of digital solutions that disrupt and revolutionise the way that such services are delivered.

Linda Fitz-Alan, Registrar and Chief Executive of ADGM Courts, said, "We have worked tirelessly to be innovative with our digital services, and to exceed the expectations of users. We consulted widely to understand the pinch points of the legal profession's interaction with courts, so that we could ensure a seamless experience with ADGM eCourts. At this point, I would like to extend our sincere thanks to the members of the profession who generously gave their time, thoughts and expertise to the development of this game-changing platform. We are excited to reach this milestone in our commitment to lead and drive unique digital dispute-resolution services."

Getting Driver's License Puts Arizonans Into 'Perpetual Criminal Lineup'

If you have a driver's license in Arizona, your face now lives in a government database that uses facial recognition technology to see if you're really who you say you are, or if you're stealing someone else's identity.

But that's not the only use of the system – law enforcement at all levels can also run photos using the facial recognition technology to see if you're wanted for a crime.

That's what one researcher refers to as a "perpetual lineup." Most people living in Arizona, at any given time, are part of a constant police lineup, simply by virtue of having a driver's license.

Here's how it works: After someone at the Motor Vehicle Division takes your photo, your face is scanned by a system based on a proprietary algorithm that analyzes facial features. The system compares your face against the 19 million photos in the state's driver's license database to look for similarities. If an image is similar enough, the system will flag it for further review.

The Arizona Department of Transportation publicly boasts about the more than 100 cases it has taken to court for fraud using the technology, which has been in place since early 2015.

But beyond press releases touting its successes, the department does not inform people who have applied for a license that their photos will be scanned perpetually for law enforcement purposes. No such disclosure appears on the license application.

ADOT officials say they believe people know about the technology and its full usage despite the lack of disclosure. And department officials say the public should welcome the searches.

Michael Lockhart, the chief of ADOT's inspector general's office, said the department hasn't heard any concerns from citizens about privacy or security.

"We've never had anybody that has asked us or been concerned about it," Lockhart said. "Frankly, if you look at the whole concept of a driver's license or an ID, you willingly go get those. It isn't like you're thinking this is all going to be private."

While some groups take issue with facial recognition in general, most say it's not necessarily the use of the technology to root out fraud in identification that is an issue. When such a powerful technology is available, missions could expand to other areas, experts say.

And law enforcement's access to the program means the technology at ADOT is being used outside its intended purpose of finding fraud, they say.

Couple the concerns about the perpetual lineup with the lack of disclosure to license-holders, and you have a problematic situation, said Clare Garvie, a fellow at the Georgetown Law Center on Privacy and Technology. Garvie authored a study, "Perpetual Line-Up," on facial recognition that is widely cited for its public records-based dive into how law enforcement uses state-run facial recognition databases, and how little oversight there is on the government's use of such technology.

"If you don't know that a system is in place, you actually don't have the choice of consenting to it or not," Garvie said.

Informed consent, through giving notice to people that their faces will be matched up against millions of others when they apply for a license, is a basic tenet of privacy, Jim Dempsey, the executive director of the Berkeley Center for Law & Technology, said.

Even if notice is given, it's unlikely that people would opt out of getting a license because facial recognition technology is used because people will decide driving a car and having a legal ID outweigh the risks, Dempsey said.

"It's an important element. The lack of it is an issue, but it's one that should be corrected and would be easy to correct," he said.

The Transportation Department says the use of facial recognition allows it to maintain the quality and accuracy of the IDs it issues.

On average, the system flags 200 new licenses each day, according to ADOT spokesman Ryan Harding. Of the 200, 5 percent, or 10, typically move to a second level and require further evaluation. Of those 10, usually one will advance to a final step and become an active investigation, he said.

The list of criminals charged because of the facial recognition program is extensive. Examples include a man who stole the identity of a dead baby, a sex offender who stole identities and racked up charges under other names, and a woman who used stolen identities to get government benefits she wasn't entitled to.

The technology has also been used in immigration enforcement. A statement of probable cause for an arrest in September by Immigration and Customs Enforcement show ADOT flagged an undocumented man for applying for a license under someone else's name.

When ADOT searched his house, they found two guns, ID documents and Social Security cards in other names. The man, Mario Rivera-Gamboa of Mexico, was previously deported in 1999, court documents say, after he was convicted of aggravated assault and a drive-by shooting. He wasn't at his house when the department searched it, so a warrant was issued for his arrest.

Dempsey, of Berkeley, said there shouldn't be cause for alarm about the matching of driver's license photos to others in the database to find fraud.

And law enforcement using the technology to search for potential criminals is at least a government-to-government pursuit, he said.

Still, "it is using data arguably for a purpose other than the purpose for which it was collected, which theoretically is incompatible with the concept of fair information practices," Dempsey said.

Dempsey's concerns about facial recognition apply more to how people can fight back if they believe they have been flagged inappropriately. He also questioned how such systems will be handled as technology continues to advance, and what role the private sector may be granted. Those issues need to be handled on a case-by-case basis – there's not a specific rule that applies to all uses of facial recognition, he said.

The department claims the use of such technology to capture fraud helps it comply with the federal REAL ID Act, which increased standards for identification documents. Though the REAL ID Act does not explicitly call for facial recognition, it does say states need to take measures to reduce fraud.

Jay Stanley, a senior policy analyst at the American Civil Liberties Union, said the government should be transparent about its use of such technology and how effective it is. States should also be reluctant to share their databases with other entities for other purposes, he said.

"DMV photo databases are probably the most comprehensive databases in existence," which means they're "very, very powerful" tools for potential surveillance, something groups like the ACLU worry could be a next step, Stanley said.

Arizona isn't alone in its use of facial recognition software in its driver's license database. Most states use the technology. And while many states also allow law enforcement access to the program to some degree, others, like Vermont, ban the use of such technology entirely, and some require a warrant or court order to scan faces.

ADOT points to a 2004 executive order, issued by Democratic Gov. Janet Napolitano, which created its departmental inspector general. The order says the inspector general's office is designed to deter fraud in ADOT's programs.

Aside from the 2004 order, there are no laws that specifically apply to the facial recognition program. The Arizona Legislature has not weighed in or approved the usage of the technology. There are no parameters set up in law to govern who can access the system, its oversight and its general usage.

The department also entered into an agreement with the FBI in February that allows the agency to request searches using the facial recognition program.

And ADOT did write a policy, issued on December 30, 2016, that lays out how facial recognition should be administered.

The policy details how law enforcement can utilize the system. While no law enforcement agencies have direct access to the database, ADOT conducts searches comparing law enforcement images to driver's license photos.

Continues

Getting Driver's License, continued

While the ADOT policy governs the program, agency policies can change as the state's administration changes since no policy is written in law.

In order for a search to be granted, the search must involve people suspected of committing a crime or "who law enforcement may suspect is about to commit a crime." People could also be involved in activities that are threats to public safety, sought as part of a criminal investigation or "intelligence-gathering effort," applicants for a security clearance, have a warrant issued for them, suspected of benefits fraud or labeled as a missing person.

Those requesting a search have to submit a form, and they must either be a law enforcement agency or a "governmental non-criminal justice agency" involved in searching for missing people or investigating fraud.

ADOT documents who conducts searches in an audit log. The log, obtained through a public records request, shows 90 searches at the behest of law enforcement agencies in the past six months. Twenty of those found no matches, while the majority of them found potential hits. Most of the searches were requested by the Department of Public Safety.

Harding, the ADOT spokesman, said the department's inspector general's office reviews the requests and "will reject any that aren't connected with a police investigation, court order or court proceeding," but he couldn't provide any examples of rejected requests.

The Electronic Frontier Foundation, a civil liberties nonprofit focused on privacy, says there should at the very least be a court involved before law enforcement can access millions of unwitting people's identities, its staff attorney, Adam Schwartz, said.

It's really hard to function in a car-based society without a driver's license, and people shouldn't be subjected to an invasive technology when they decide to follow the law and get a legal document that allows them to drive, Schwartz said. It's a misuse of data to collect data, in this case images, for one thing and use them for other purposes, he said.

Plus, he pointed out, in many states, including Arizona, agencies have started using facial recognition technology outside of any formal approval from the public and its representatives, state lawmakers, Schwartz said.

"Before government starts using powerful technology to surveil the public, there ought to be a more open and transparent process where the public controls whether or not this is picked up," he said.

Devon County Complains About Court Closures

A body representing rural interests has warned that the closure of magistrates' courts across Devon is putting a strain on police budgets and threatening to undermine access to the justice system.

Rural Services Network chairman Cecilia Motley said: "Access to justice is a fundamental right – no matter where somebody lives."

"We accept that savings have to be made – but it is wrong that rural communities should be unfairly impacted."

Torquay Magistrates' Court closed last year after 60 years of operation.

Many towns across Devon previously had magistrates' courts including in Totnes, Tiverton, Cullompton, Honiton, Exmouth and Axminster.

But now the county's only magistrates' courts are found in Exeter, Plymouth, Newton Abbot and Barnstaple.

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But now the county's only magistrates' courts are found in Exeter, Plymouth, Newton Abbot and Barnstaple.

"Because of these closures, many rural court users face longer journey times which threatens to undermine their ability to access the justice system," added Ms Motley.

"Public transport links are already very poor or non-existent in many rural areas and it is important to remember that not everyone owns a car.

"It is wrong that rural communities should bear the brunt of court closures – the impact of which will be felt particularly by less well-off members of society."

What Is A Magistrate?

Magistrates are volunteers who hear cases in courts in their community.

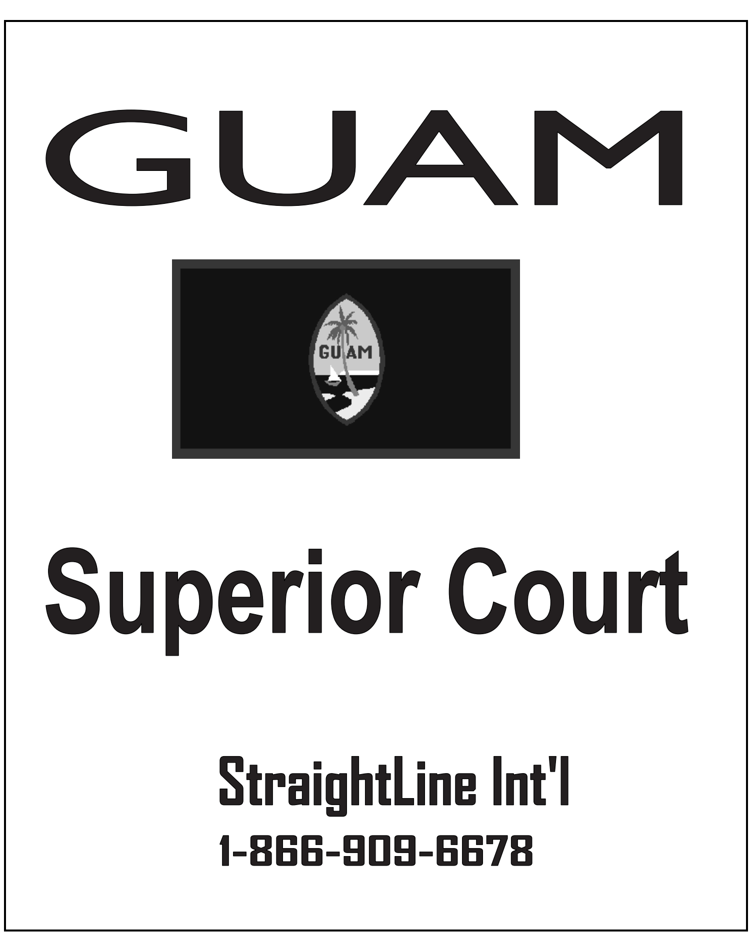
They can hear cases in the criminal court, the family court, or both.

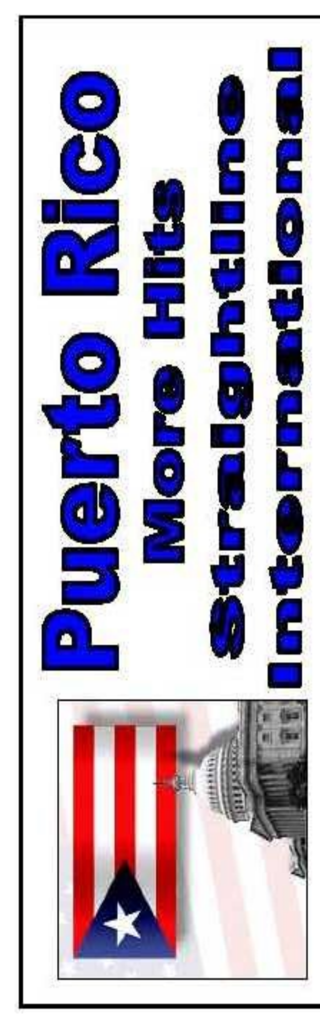
Each case is usually heard by three magistrates, including a magistrate who is trained to act as a chairperson.

You don't need formal qualifications or legal training to become a magistrate but you have to be over 18 and under 65.

You will get full training for the role, and a legal adviser in court will help you with questions about the law.

Magistrates must retire at 70 and are normally expected to serve for at least five years.

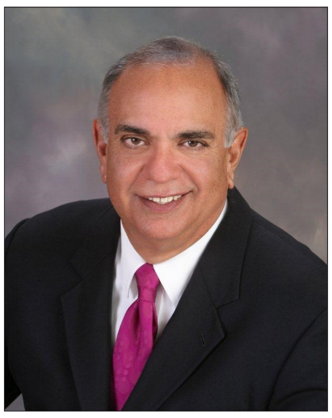




Les Rosen's Corner

A monthly column

By Lester Rosen, Attorney at Law



FCRA Class Action Lawsuits Will Continue to Target Employers Performing Background Checks in 2018

by Thomas Ahern

On May 16, 2016, the U.S. Supreme Court ruled in Spokeo, Inc. v. Robins that plaintiffs must prove "concrete injury" in class action lawsuits for alleged "bare" violations of a federal statute such as the Fair Credit Reporting Act (FCRA). The fact that employers are still targeted in lawsuits for technical FCRA violations even after the Spokeo ruling is trend number 3 of the "ESR Top Ten Background Check Trends" for 2018 selected by global background check firm Employment Screening Resources (ESR).

The case of Spokeo, Inc. v. Robins involved a Virginia man named Thomas Robins who filed a class action lawsuit against Spokeo – an online "people search engine" that sells publicly available data about individuals – for alleged violations of the FCRA, a federal law that regulates background checks for employment purposes. The class action lawsuit claimed Spokeo violated the FCRA by publishing inaccurate information about the age, education, marital status, and professional experience of Robins.

The U.S. Supreme Court stated in its opinion: "Article III standing requires a concrete injury even in the context of a statutory violation. For that reason, Robins could not, for example, allege a bare procedural violation, divorced from any concrete harm, and satisfy the injury-in-fact requirement of Article III." The Supreme Court also said the injury-in-fact requirement requires a plaintiff to show an injury is "concrete and particularized" and "actual or imminent, not conjectural or hypothetical." The entire opinion is here.

"In no way did the Supreme Court decision in the Spokeo case mean employers could relax obligations for FCRA compliance and it did not mean employers had the right to ignore the technicalities of the FCRA," explained ESR founder and CEO Attorney Lester Rosen. "Employers will always need to ensure that they are in compliance with their FCRA obligations and that they are working with a background check provider that understands the FCRA inside and out."

Rosen – author of 'The Safe Hiring Manual,' a comprehensive guide to employment background checks – founded ESR in 1997 in the San Francisco, California area and the firm is accredited by the National Association of Professional Background Screeners (NAPBS). "In addition, lawyers may start to move cases to state courts or look for violations of state specific FCRA type laws, so the Spokeo case by no means ends the need for a laser like focus on legal compliance," he added.

On August 15, 2017, the Ninth U.S. Circuit Appeals Court ruled in Robins v. Spokeo on remand from the Supreme Court that the claim by Robins that Spokeo violated the FCRA by providing inaccurate information about him had sufficient "concrete injury" to meet the Article III

standing established by the Supreme Court ruling in Spokeo and that the lawsuit may proceed. The opinion stated: "Ensuring the accuracy of this sort of information thus seems directly and substantially related to FCRA's goals."

Since the Supreme Court ruling in the Spokeo case, several class action lawsuits have been filed against employers that conduct background checks on job applicants involving alleged FCRA violations that concluded with varying degrees of success. In November of 2017, ESR News reported that Avis agreed to pay $2.7 million to settle a class action lawsuit that claimed the car rental company allegedly violated the FCRA when conducting background checks on job applicants for employment purposes.

On the other hand, in October of 2017, a California federal judge granted a Motion to Dismiss in a proposed class action lawsuit against Home Depot that claimed the retailer violated the federal FCRA by failing to make proper disclosures and failing to obtain proper authorization. In the order dismissing the case, U.S. District Court Judge Gary Klausner explained that the lawsuit failed to demonstrate actual harm and did not allege a "concrete" injury as required under the U.S. Supreme Court ruling in Spokeo.

And on August 1, 2017, the U.S. Court of Appeals for the Seventh Circuit held that a plaintiff who filed class action lawsuits claiming extraneous information in a background check disclosure form violated the FCRA lacked the necessary Article III standing under the U.S. Constitution. Circuit Judge William J. Bauer concluded the plaintiff "has not alleged facts demonstrating a real, concrete appreciable risk of harm. Because he has failed to demonstrate that he suffered a concrete injury, he lacks Article III standing."

But in the same month of August 2017, courier service Postmates agreed to pay $2.5 million in order to settle a class action complaint over claims their background checks allegedly violated the FCRA. The plaintiffs claimed the logistics company violated the FCRA by not providing them with a stand-alone disclosure before requesting the background check reports, and by not providing them with a copy of the background check results and a notice of their rights before taking adverse action against them.

On June 15, 2017, in another reversal, a Judge in the Northern District of Texas granted a dismissal for the defendants in a class action lawsuit, holding that the plaintiff who alleged the improper inclusion of "extraneous" information in a FCRA disclosure for a background check lacked standing under Article III of the U.S. Constitution. U.S. District Judge Jane J. Boyle cited the Supreme Court decision in the Spokeo case when she wrote: "A 'concrete' injury must be 'de facto'; that is, it must actually exist."

continues

FCRA Class Action Lawsuits , continued

In the same month of June 2017, a federal jury in California awarded a record $60 million in statutory and punitive damages after finding that nationwide credit reporting agency TransUnion allegedly violated the FCRA when performing credit checks by confusing consumers with individuals found in the United States Treasury Department's Office of Foreign Assets Control (OFAC) database. The $60 million award stems from the case of Ramirez v. Trans Union LLC that was filed in February of 2012.

Earlier in May of 2017, the U.S. Court of Appeals for the Fourth Circuit decided a plaintiff's claim that credit reporting agency Experian violated the FCRA by listing a defunct credit card company on his credit report failed to establish a "concrete injury" under Article III of the U.S. Constitution. According to the decision, the court could "discern no concrete injury on behalf of the named plaintiff" and, therefore, decided to "vacate and remand with instructions that the case be dismissed."

A case in March of 2017 ended with a similar result when a federal judge in Minnesota dismissed a class action lawsuit where a woman claimed her former employer "willfully" violated the federal FCRA even though she did not suffer any "actual damages" but only "informational damages." U.S. District Judge Donovan W. Frank granted a motion to dismiss citing the Supreme Court ruling in the Spokeo case which explicitly noted that a violation of a notice provision of the FCRA might not constitute a concrete injury.

Consumer lawsuits filed under the FCRA grew by nearly 60 percent in September 2017 over the previous month, an increase that "keeps it in line with the aggressive growth in recent years," according to litigation statistics reported by WebRecon LLC. FCRA filings increased 58.4 percent from 351 in August 2017 to 556 in September 2017. The 3,328 year-to-date filings under the FCRA from January 2017 to September 2017 are a 13.5 percent increase from the 2,932 FCRA filings from January 2016 to September 2016.

Also, in September 2017, Congress held a hearing to consider several proposals including one – "The FCRA Liability Harmonization Act" (H.R. 2359) – that would amend the FCRA to limit damages related to class action lawsuits filed under the FCRA. The Act would establish limits – the lesser of $500,000 or one percent of the net worth of the defendant – on potential liability for statutory damages under the FCRA and also eliminate punitive damages awarded under the FCRA.

In April of 2017, the Federal Trade Commission (FTC) published a blog entitled "Background checks on prospective employees: Keep required disclosures simple" to help employers understand requirements of the FCRA. The FTC told employers to provide applicants "with a clear and conspicuous written disclosure that you plan to get a background screening report about them and you must get the person's written authorization that gives you their permission to compile the report."

Enacted in 1970, the FCRA (15 U.S.C. § 1681) promotes the accuracy, fairness, and privacy of consumer information contained in the files of Consumer Reporting Agencies (CRAs) – the technical term for background check firms – and was intended to protect consumers from the willful and/or negligent inclusion of inaccurate information in their credit reports. Readers are reminded that allegations alone made in FCRA class action lawsuits are not proof that a business violated any law, rule, or regulation.

Amrican Samoa Federal

American Samoa does not have a federal court like the Northern Mariana Islands, Guam, or the United States Virgin Islands, matters of federal law arising in American Samoa have generally been adjudicated in the United States District Court for the District of Hawaii or the District Court for the District of Columbia.

NW Ohio Courts Doing Their Job

The Governor of Ohio, John Kasich, proposed a crackdown on courts that fail to timely report criminal convictions for inclusion in the FBI's National Instant Criminal Background Check System.

While some Ohio courts remain backlogged in getting the information to the Ohio Bureau of Criminal Investigation, which uses the information to update databases for background checks, a review of quarterly BCI reports listing non-compliant courts shows that courts in northwest Ohio are, by and large, doing their job.

"Homeland security alone is a good reason why we do it," said Lucas County Clerk of Courts J. Bernie Quilter, whose office was not cited for violations on any of the reports since BCI began issuing them in 2015.

Mr. Quilter's office has been sending its criminal case dispositions to BCI by computer since as far back as 2005. A common pleas court, which almost exclusively handles felony offenses, has the largest share of convictions to report.

"By sending this report electronically every week we are providing the most up-to-date, accurate information from our court that is needed for other agencies," Mr. Quilter said.

Background Check Company Makes False Claims

A background check company will pay nearly $500,000 to settle allegations that it misled customers about its background check system.

The state attorney general's office says in a press release that the settlement resolves claims that the company's background checks were not as thorough as it claimed. The background check company has disputed the allegation.

The AG's office says the background check company told consumers that certain background checks would "include a review of criminal records for the 'states and/or counties' in which the caregiver resided during the prior seven years." But the AG's office says these checks did not "routinely check criminal records from District Courts in the state."

The AG's office adds: "In Massachusetts, the District Courts maintain the vast majority of misdemeanor records, as well as many felony records."

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All Provincial Courts in the selected Province are checked

All Provincial Searches are $12 each, except Alberta (add $16court fee)

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At the city or Province level

Provides both Summary (misdemeanor) and Indictable (felony) offenses

Canada City Court Searches	Lower Price
Montreal	7.99
Toronto	7.99
Vancouver	7.99
Ottawa	9.99
Quebec City	9.99
Hamilton	9.99
Winnipeg	7.99
Halifax	9.99
Regina	9.99
Victoria	7.99
Windsor	5.99

Turnaround times average 3 days from date of order in all Provinces except Alberta where there can be court clerk delays. Rush orders are excepted.

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England Criminal Court Searches

The Magistrate Court in the selected city is the primary search.

The secondary search is the Crown Court and may cover one or more Magistrate Courts

England *Criminal Searches*

At the City or Magistrate level

Provide Summary (misdemeanor) offenses while most Indictable (felony) offenses are at the Crown.

England Civil Law Cases are available at the county level.

A judgment search is also available

Civil searches begin at 48

England Criminal Court Searches	Lower Price
London	19.99
Manchester	19.99
Birmingham	19.99
Liverpool	19.99
Leeds	19.99
Sheffield	19.99
Bristol	19.99
Leicester	19.99
Oxford	19.99
Dover	19.99
Portsmouth	19.99
Hull	19.99
Others	32

Turnaround times average 3 days from date of order in all Courts.

Rush orders are excepted

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Philippines

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Philippines Trial Court Searches

The Regional Trial Court (RTC) or Municipal Trial Court (MTC) in the selected City is checked.

All Philippines Court searches are $50 each, except for cities in the Manila Metro area. (see list).

Philippines City Court Searches	Lower Price
Manila	12.99
Quezon City	14.99
Makati	14.99
Pasig	14.99
Pasay	14.99
Davao	16.99
General Santos	16.99
Cebu City	14.99
Cavite	14.99
Paranaque	14.99
Others	49.99

Philiipines RTC *Searches*

Provides (felony) offenses.

Philiipines MTC *Searches*

Provides (misdemeanor) offenses.

All Public Record Searches are available. Civil from $60

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Mexico

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Mexico Court Searches

The Superior courts are checked for criminal and civil records.

The prices for criminal record searches are $11.99 for the cities on the right. All other Superior court locations for criminal records are $36.

Civil record searches in Mexico are $54 regardless of the court's location.

Civil record searches of businesses in Mexico begin at $60, the cost to be determined.

Mexico Superior Court Searches	Lower Price
Mexico City	11.99
Guadalajra	11.99
Tijuana	11.99
Monterrey	11.99

Turnaround times average 3 days from date of order in all Cities.

Rush orders are excepted.

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Ireland

Services and Pricing

Ireland Court Searches

The Circuit and District courts are checked

Dublin and Cork Criminal Court Searches are $24.99 each.

Other criminal record checks such as in Limerick, Galway, Waterford and other outlying city criminal record checks are $32 each.

Civil record searches in Ireland are $48 regardless of the court.

Civil record searches of businesses in Ireland begin at $52, the cost to be determined.

Ireland City Court Searches	Lower Price
Dublin	24.99
Cork	24.99
Limerick	31.99
Galway	31.99
Waterford	31.99
Drogheda	31.99

Turnaround times average 3 days from date of order in all Cities.

Rush orders are excepted.

When it comes to Ireland's criminal record searches no one .. that's right.. No one knows better than Straightline International.

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A Note From Phyllis Nadel

Changes to Massachusetts Regulations on Criminal History Checks

by Littler Mendelson PC - Allen P. Lohse, Rod M. Fliegel and Jennifer L. Mora

Employers operating in Massachusetts are already aware of the Commonwealth's Criminal Offender Record Information (CORI) law. iCORI refers to the database of criminal information maintained by the Department of Criminal Justice Information Services (DCJIS). CORI records are limited to crimes investigated and prosecuted by the Commonwealth and do not include information related to federal crimes or crimes committed in other states. In 2012, the DCJIS issued regulations providing employers with access to the DCJIS's database of information, which is referred to as the iCORI system. These regulations imposed obligations on both users of CORI and employers acquiring criminal history information from private sources—namely, consumer reporting agencies or background check companies.

The DCJIS recently issued amended regulations. These regulatory changes primarily impact iCORI users—i.e., those employers that obtain criminal records provided by the DCJIS itself. The new regulations appear to have minimal impact on employers that order background checks sourced directly from court records, which remain excluded from CORI. Below we summarize the changes to the regulations.

Records Obtained from Courts are not CORI

"Criminal Offender Record Information" was not specifically defined under the 2012 regulations, leading to a degree of uncertainty as to what was or was not CORI. But the 2012 regulations listed certain exclusions from CORI, such as public records of and maintained by courts. The 2017 regulations now define CORI and, importantly, continue to exclude records obtained from courts:

Records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings conducted pursuant to M.G.L. c. 276, § 58A where the defendant was detained prior to trial or released with conditions under M.G.L. c. 276, § 58A (2), sentencing, incarceration, rehabilitation, or release.

This definition refers only to records compiled by the DCJIS and the amended regulations continue to list "published records of a public court or administrative proceeding" as excluded from CORI. Therefore, if an employer orders a background check from a CRA sourcing from court records, this is not CORI.

In fact, most consumer reporting agencies (CRAs) will not provide employers with CORI. This is because the regulations prohibit CRAs from storing CORI results unless the employer authorizes the CRA to be the "decision maker" on whether to hire the individual. Because CRAs typically do not want this responsibility, they will instead obtain criminal records directly from the courts—a practice not subject to the CORI regulations. But if an employer is obtaining CORI from a CRA, the employer must now provide the CRA with the annual salary for the position of the individual being screened. The new regulations set forth access requirements and restrictions depending on whether this salary is above or below $75,000.

Also, if an employer obtains information from the DCJIS (whether on its own or through a CRA), the regulations clarify that CORI includes arrest records, criminal pre-trial proceedings and hearing and records of incarceration and rehabilitation. In addition, the new regulations state that an employer cannot consider criminal proceedings initiated before the individual turned 18 unless the person was tried as an adult. Under the prior regulations, that age was 17.

Coverage is Expanded for iCORI Users

iCORI users must also be aware that the new regulations have expanded coverage. "Employee" is now defined to include "volunteers, subcontractors, contractors, [and] vendors, and special state, county and municipal employees." Volunteers, contractors and vendors are not "employees" in the true legal sense of the term. But for purposes of CORI, the legislature has now included them in its definition. This means employers are free to conduct background checks on these individuals through the DCJIS. But it also means that any such checks are subject to regulations that consider these individuals "employees." Because this characterization is at odds with how "employee" is typically defined under state and federal law, this could create potential issues for employers.

Interviewing and Taking Adverse Actions

Under the 2012 regulations, prior to questioning an applicant about criminal history or making an adverse decision based on criminal history, employers were required to provide the applicant with his or her CORI or "criminal history information" from sources other than the DCJIS. The prior regulations also required pre-adverse action notices before making an adverse decision based on CORI or outside criminal information, as well as the opportunity for the applicant to dispute the accuracy of the criminal information.

All of this is still true under the amended regulations. However, there is an additional requirement. The employer must now "identify the information in the subject's CORI or criminal history information that is the basis for the potential adverse action. (something fairly common with the "ban the box" laws in general). Under the prior regulations, the requirement to specifically identify the disqualifying information did not apply to criminal records obtained from sources other than the DCJIS. Finally, if CORI is to provide the basis for a potential adverse action, the employer must provide the individual with a copy of the DCJIS's information on the process for correcting CORI, which is available on the DCJIS's website. But note that there is no longer any requirement to provide the individual with information on how to correct criminal history obtained from other sources.

CORI Acknowledgment Forms

To access records through the iCORI, employers must obtain a signed acknowledgment form from the employee or applicant authorizing the employer to view the records. The DCJIS has made several changes to the regulations on authorization forms. Under the prior regulations, the acknowledgment form was valid for one year after signing, and the employer could submit new requests for CORI within that period if it provided the individual with a written notice at least 72 hours before the request.

Continues

Changes To Massachusetts Regulations On Criminal History Checks, continued

The CORI acknowledgment form remains valid for one year, but there is no longer any requirement to provide notice of future requests during this year period. In addition, the new regulations set forth the identification verification procedure employers must follow if the individual does not have a suitable government-issued identification. Also, employers may now collect CORI acknowledgment forms electronically, including during an electronic application process. The DCJIS has provided revised "Model CORI Acknowledgment Forms" that employers can use or incorporate into their own forms. These forms are available on the DCJIS's website.

iCORI Agency Agreement

The new regulations require employers to enter into an "iCORI Agency Agreement" for continued access to the database. This agreement requires the employer to (1) certify ongoing compliance with CORI laws and regulations; (2) maintain an up-to-date "need to know" list of employees who will request and review CORI; (3) confirm that the employer will only request an authorized level of CORI access; and (4) acknowledge that the employer (including individual users of the account) may be liable for violations of the rules and regulations.

With regard to the "need to know" list, this must include all staff that have been authorized to request, receive or review CORI. The list must be updated at a minimum every six months, and it must be made available to the DCJIS. Upon request, the employer must also provide the "need to know" list to the individual being screened or that person's attorney.

Storage

Consistent with the prior regulations, employers may not maintain CORI records for more than seven years after the employee's last date of employment or the date of the final decision not to hire an applicant. Hard copies of CORI must still be stored in locked and secured locations, and electronic copies must be password-protected and encrypted. However, the new regulations now permit cloud storage methods. If CORI is to be stored in the cloud, the employer must: (1) have a written agreement with the cloud storage provider setting forth the minimum security requirements published by the DCJIS; and (2) ensure the cloud method provides encryption and password protection of all CORI.

UK Using Big Data To Wirite Minority Reports

Police in the United Kingdom are partnering with credit reporting agencies to predict whether criminals will reoffend, a report from UK civil liberties group, Big Brother Watch, has uncovered.

Police in Durham, in Northeastern England, paid international data broker Experian for access to its "Mosaic" database, complex credit profiling information that includes marketing and finance data on 50 million adults across the UK. Privacy experts balk at the idea of tying personal financial data, without the public's consent, to criminal justice decisions.

Called HART (Harm Assessment Risk Tool), the AI analyzes multiple data points on suspects, then ranks them as a low, medium, or high risk to reoffend. Authorities can then use that ranking to decide whether an offender should receive jail time or be allowed to enter a rehabilitation program.

While Durham police have used the HART "risk assessment AI" since at least last summer, Big Brother Watch's report reveals that HART now uses consumer marketing data from Experian to assess risk.

A few of the datapoints Experian collects for its Mosaic profile (now included in HART) are, via Big Brother Watch:

-Family composition, including children,
-Family/personal names linked to ethnicity,
-Online data, including data scraped from the pregnancy advice website 'Emma's Diary', and Rightmove,
-Occupation,
-Child benefits, tax credits, and income support,
-Health data,
-GCSE [General Certificate of Secondary Education] results,
-Ratio of gardens to buildings,
-Census data,
-Gas and electricity consumption.

Experian's Mosaic groups together people according to consumer behavior, making it easier for marketers to target people based on their interests and finances. "Aspiring Homemakers," for example, are young couples with professional jobs more likely to be interested in online services and baby/family oriented goods. "Disconnected Youth" are under 25, live in modest housing, with low incomes and modest credit histories. By having access to these categories, HART can almost instantly make sensitive inferences about every facet of their lives.

"For a credit checking company to collect millions of pieces of information about us and sell profiles to the highest bidder is chilling," Silkie Carlo, Director of Big Brother Watch, says in the report. "But for police to feed these crude and offensive profiles through artificial intelligence to make decisions on freedom and justice in the UK is truly dystopian."

Mosaic also sorts people into racial categories. "Asian Heritage" is defined as large South Asian families, usually with ties to Pakistan and Bangladesh, living in inexpensive, rented homes. "Crowded Kaleidoscope" are low-income, immigrant families working "jobs with high turnover," living in "cramped" houses.

What do these financial groupings have to do with someone's likelihood to commit crimes? If the profiles are influenced by race and poverty, is it discriminatory to use them as data points when assessing risk? In the US, a landmark 2016 Pro Publica report found that COMPAS, another risk-assessment AI, routinely underestimated the likelihood of white suspects reoffending, even when the suspect's race wasn't included in the dataset. The opposite was true for black suspects; they were generally considered greater risks. A 2018 study by researchers at Dartmouth College found COMPAS was about as accurate as humans guessing based on far fewer data points.

Golden-Based HomeAdvisor Sued By San Francisco DA For Misleading About Background Cecks

The city of San Francisco has sued Golden-based HomeAdvisor, accusing it of claiming that it does background checks on its home-services professionals while actually only checking some of them.

"HomeAdvisor's advertisements are false and misleading because they are likely to deceive consumers into believing that all service professionals hired through HomeAdvisor who come into their homes have passed criminal background checks. This is not the case. The only person who undergoes a background check is the owner/principal of an independently owned business," according to the suit, filed last week by San Francisco District Attorney George Gascon.

Gascon is asking HomeAdvisor to stop making misleading, false or deceptive statements and to pay a civil penalty of $2,500 per violation.

"Our first and foremost concern is focused on protecting the consumer," said assistant DA Alex Bastian. A hearing is scheduled for April 12, when the DA's office will ask for a preliminary injunction, Bastian said.

A HomeAdvisor spokeswoman said, "We do not comment on ongoing legal matters."

The company, which recently merged with Angie's List to become ANGI Homeservices (though it still uses the HomeAdvisor and Angie's List brand names), has been thriving ever since changing its name in 2012 from ServiceMagic. It built a business of connecting homeowners to electricians, plumbers and other home-services professionals. At the end of 2017, HomeAdvisor said it had a network of 181,000 professionals in 400 U.S. markets.

According to the lawsuit, HomeAdvisor touts its network of "hundreds of thousands of background-checked pros" in radio and TV ads and online. But the DA's office found that HomeAdvisor doesn't check the employees of a business or even on the owner of a business that is a franchise or independent contractor for a larger company. And that detail didn't appear in the company's advertisements.

"Instead, for a few seconds, the offending television ads display a difficult to read message in tiny print in a light-colored font saying, 'Learn about HomeAdvisor's screening procedures at www.homeadvisor.com/screening.' … It does not signal to consumers that there might be qualifications," says the suit, which goes on to share 14 examples of ads such as the one featuring a "scruffy-faced millennial extolling the benefits of HomeAdvisor" because the company "matches you with background checks (sic) pros."

The DA's office asked the company to stop the ads Dec. 28, 2017, but the company did not agree to do so.

On its website, HomeAdvisor says it looks at these in its screening process: applicable state trade licenses, a sex-offender search, civil judgments such as bankruptcy or significant legal judgments, state incorporation, Social Security verification and a criminal-records search. Under terms and conditions, the company says that it does not screen employees, franchisees, dealers or independent contractors of larger national or corporate accounts.

Its description of the criminal-records search, however, has been updated from March 4, when the DA's office captured a screen image of the page. HomeAdvisor has added wording that its third-party vendor uses a national criminal database to screen professionals. But such screenings vary by state. For 21 states, including Colorado, "reporting in the (national criminal database) is particularly limited."