



Sex Offender Searches: Keeping Workplaces Safe

It is widely known that pre-employment background checks are becoming an essential tool in today's hiring process. An employer who has an effective background screening program in place significantly lessens the risk of negligent hiring, workplace violence and/or a serious accident. A bank that performs pre-employment background checks can find the forger before they get behind the teller's desk. The trucking company can spot a drunk driver with multiple convictions before they get behind the wheel. The childcare provider can detect if an applicant is a sex offender and by doing so, prevent an incident from happening.

The Widespread Presence of Sex Offenders

According to the National Center for Missing and Exploited Children, there are 549,038 registered sex offenders in the United States. California has over 100,000 alone. The NCMEC also reports that there are roughly this many "lost" sex offenders who cannot be tracked in the US today. With the obvious exception of those sex offenders who are currently incarcerated, any one of these sex offenders could be looking for work in any business.

NAPBS takes the position of sex offenders within the workplace very seriously. No one ever wants to open up the newspaper and read a story where an employee committed a sex offense on the job. NAPBS strongly encourages all businesses that perform background checks to perform both a thorough criminal history check and run each applicant through the statewide sex offender registry of each state the applicant has resided. NAPBS also highly recommends that in your pre-employment background check one utilize a social security number tracer report to look for areas of

residence where a potential sex offender has resided and not disclosed to a potential employer.

State Sex Offender Registry Limitations

Checking an applicant's name against a state's sex offender registry is a quick and effective way to find out whether or not an applicant is a registered sex offender however it is not by any means a thorough search. The reason is that there is very little uniformity amongst the states as to what they report to the public. Some states only allow high-level sex offenders' information available to the public. In relation to that, what is considered a "high-level" crime in one state might be a lower level crime in another state.

Therefore, it is imperative that when conducting a search, one also should include a criminal record check in all areas the applicant has resided in at least the past 7 years and couple this with a social security number tracer report. These searches, conducted by an NAPBS affiliated business should find and report any criminal history, including any level of sex offense as long as it is within the confines of the Fair Credit Reporting Act. Keep in mind that this search can unearth possible sex offenses that would not be found in a sex offender registry. This is because the applicant has not registered or they committed an offense in which under that state's law they don't need to register.

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Sex Offenders in the Workplace

NAPBS understands both side of this issue however and feel that registered sex offenders who are out of prison have as much of a right as any other person to seek and hold employment. In many instances, it is necessary under a sex offender's probation requirements that a job is held. To further support this point, many studies also show that stable employment is a significant factor in reducing sex offender recidivism. It is important that a sex

offender who is out of prison have the opportunity to make a successful transition back into society but without putting him or others at risk. NAPBS by no means intends to prevent sex offenders from seeking employment.

A report written by the US Department of Justice under the Center for Sex Offender Management gives some excellent advice on the topic of sex offenders and the workplace. The report makes a strong point that “Sex offenders should not hold jobs that give them authority over potential victims, work in service industry jobs that give them access to vulnerable populations or in setting that may be near a school or playground.” Positions including nurse, teacher or teacher’s aide, social worker and childcare worker are some obvious examples of positions that can meet the criteria mentioned above. Other not as obvious examples include building supervisor, limo/taxi/bus driver or manager of a restaurant or retail establishment.

Along with the point mentioned above, an employer should consider other factors such as with whom will the offender be working with, what is the work environment like and could it have a negative affect on the offender and will the offender have access to other peoples homes. These are only a handful of factors to consider if one should hire a convicted sex offender.

Conclusion

NAPBS and its members will continue to work on making the work environment safe for employees and the surrounding community. We have a very important role to play in making sure that convicted sex offenders are never placed in a job where they have the opportunity to strike again. Screening your applicants with an NAPBS affiliated company, making sound hiring decisions and being aware of the factors associated with a position can make a significant and positive difference in both workplace safety and the transition of a sex offender back into society.

The National Association of Professional Background Screeners (NAPBS), which represents over 400 companies and serves hundreds of thousands of employers, exists to promote ethical business practices, promote compliance with the Fair Credit Reporting Act and foster awareness of issues related to consumer protection and privacy rights within the background screening industry. The Association provides relevant programs and training aimed at empowering members to better serve clients and to maintain standards of excellence in the background screening industry. The Association is active in public affairs and provides a unified voice on behalf of members to local, state and national lawmakers about issues impacting the background screening industry. For more information, please visit us at www.napbs.com