

UPDATE

Background Checks the Norm

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July Flowers of Mesa, Ariz., knew that a criminal background check was required for anyone working with classified information in the military. But she wasn't prepared for the private companies that lately have asked her consent to do checks for jobs that hardly seemed to carry much risk.

One was a truck rental company where she installed computer hardware and software. Next, she applied to become an e-mail administrator for a water treatment firm and was again asked for her consent for a background check.

"It seemed kind of strange. I didn't expect the civilian world to be so uptight," said Flowers, who had worked with classified information as an Air Force senior airwoman. "I'm starting to think this is part of the norm now."

Once relegated to jobs involving military secrets, large sums of money or close contact with children, criminal background checks are becoming more routine for many types of jobs--despite concerns about accuracy. In the last five years, more than 100 online companies have emerged, all promising to dig deeper to ferret out the sullied backgrounds of prospective employees.

Aware of high-profile workplace crimes involving employees who hid felonious pasts, many employers are worried that the real threat to their businesses may not come from hackers or other outsiders but from within.

So business is booming at East Bay Detective Agency, which combines a traditional private investigator approach with 24-7 Internet access for clients at <http://www.eastbaypi.com>. East Bay does everything from background checks of job applicants to premarital investigations.

Owner Richard Harris, 48, touts the decades of police experience he and his three colleagues have and their easy access to dozens of online databases.

"People are more and more curious about the people they date, the people they hire and the people they allow into their homes," Harris said. "They want to know if they are getting involved with a liability or an asset."

But Mark Rotenberg, executive director of the Electronic Privacy Information Center in Washington, is concerned about the reliability of information that some of the new online companies come up with.

"There's always a risk that the information they collect will be inaccurate," Rotenberg said. "There are a number of people who have been arrested but were never charged with crimes, and that can still show up on a background check. But [these companies] are largely a secret industry."

Rotenberg said mistakes could be made when job applicants with common names are wrongly linked to people by the same name with criminal records.

Despite growing privacy concerns, pre-employment checks haven't provoked much controversy.

One worker said he would pull out of a job application because of a request for a background check, but only if the job clearly carried no real risk of huge financial loss and did not involve working with vulnerable people such as children or the elderly.

Many others said they've accepted background checks as part of getting a job, whether they like them or not.

"It doesn't bother me," said Flowers, who got used to background checks after nine years in the military. "It's a good thing for our schools to do. I've got nothing to hide, and it would give me peace of mind to know that my employer isn't hiring just anyone off the street."

Henry Johnston of San Jose remembers how odd it felt to see a question asking his consent for a criminal background check when he sought a basic computer support position.

"I had the feeling that the guy handling my interview was staring right at me when I came to that line," Johnston recalled. "But he wasn't. Somehow, I figured I wouldn't even be considered if I said 'no' to that."

Thom Fabian, a former Redlands resident, was told that he would have to allow a criminal background check for his new job as a software engineer for a hand-held devices manufacturer in North Carolina. But his top-secret clearance for his work at the Naval Research Laboratory in Maryland was still active when he applied. His new employer felt that was more than adequate.

It was "not surprising" that his new job required a check, Fabian said. "It's just a different kind of secret, trade secrets instead of military secrets. They have to be very careful. They have to have some level of trust in me. They are taking a chance on me."

That sentiment makes perfect sense to UCLA law professor Eugene Volokh.

"The legal liability system is pushing employers to do background checks and not to hire people who have certain kinds of criminal pasts," he said. "Employers could be held liable if they employ someone with a criminal past who then harms someone. It's hard to tell when you need to [run such a check] and when you don't."

"Criminal records are public information. As an employer you are hiring people who are in a position to do you a lot of harm," he said. "If an employer later decides to forgive and forget someone's criminal background, that's fine. But they deserve to be able to make an informed decision."

Angela Trotter said she grilled background firms when she was involved in entertainment industry hiring.

"You can't be too careful," said Trotter, who is now with executive recruiter Korn/Ferry International.

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