

COMMERCIAL INVESTIGATIONS LLC

**CI TIMES****WHERE DO ALL THE SEX OFFENDERS GO?**

Where do all the sex offenders go when they can no longer take care of themselves? To nursing homes, assisted living facilities and retirement communities. Do not assume that because they can no longer care for themselves that they also no longer have sex offender tendencies. According to the Chicago Sun-Times, the daughter of a 77-year-old nursing home resident reported that an 83-year-old convicted sex offender, who was also a nursing home resident, raped her mother.

Recently, many reports on sex offenders have appeared on the nightly news and in daily newspapers. If you Google “sex offender nursing home,” the results returned include information from ten different states in just the first three pages.

Implementation of background checks by nursing homes, assisted living facilities and retirement communities are an effective means to eliminate sex offenders from employment. But that alone does not completely eliminate the potential for sexually violent crimes to occur in these facilities. Background checks should also be conducted on prospective residents. Another way to mitigate this risk is to require vendors and subcontractors to conduct background checks on any person who will be onsite. This doesn't completely eliminate the potential for such crimes, as these types of facilities are often high traffic areas for visitors, but it does mitigate the risk and provide an added level of protection for

both residents and employees.

Minimizing the risk of sex offenses occurring in a long-term care residential setting is a responsibility not to be taken lightly. Every long-term care administrator should consider including resident background checks as part of their facility's admission policy. Family members should inquire about the admission policy before placing a loved one in a long-term care residential setting. Anyone that already has a loved one in a nursing home, assisted living facility or retirement community, should inquire about the current policy in place and advocate for a policy to be implemented if none exists. In addition to identifying convicted sex offenders, thorough resident background checks will also reveal individuals that have been convicted of non-sexual but physically harmful crimes, such as battery, assault, and even murder.

The State of Illinois recently enacted legislation that requires all nursing home residents to undergo criminal background checks. It is probable that other states, including New York, will eventually follow suit.

Caring for and protecting our society's elderly and disabled is the noble cause undertaken by long term care residential facilities. That is why it is so important for administrators to be proactive when it comes to sex offender management. Make it a priority. To learn more about BACKGROUND INVESTIGATIONS, contact a CI representative today.

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**CIWARE CLIENT CLUE****CI'S CHANGE OF ADDRESS**

Although many CI clients are aware that we moved our offices in August 2005, we are still getting mail forwarded from our previous address.

As the time for forwarding mail has passed, it is very important for all clients to ensure that their files have been updated to reflect CI's current address, which is:

COMMERCIAL INVESTIGATIONS LLC  
270 River Street Suite 3R  
Troy NY 12180

Our phone number, which did not change, is (518) 271-7546. Our fax number, which also did not change, is (212) 937-3858.

CI appreciates your business and your attention to this matter. Thank you!

## DUE DILIGENCE: SHATTERED “PIPE” DREAM & A CLEAN SLATE.

Mr. Due Diligence continues his job search this month after finding a closed door at his former employer, Quick Fix Hospital. Due's background investigation report revealed that his “sabbatical” was actually because of jail time served for a controlled substance conviction, not family issues as he claimed.

Due's “pipe dream” of becoming hospital administrator at Quick Fix Hospital was shattered because of their background investigations policy. Quick Fix Hospital followed the requirements of the Fair Credit Reporting Act and provided Due with both a Pre-adverse Action notice, with a copy of his background investigations report, and an Adverse Action notice.

As a result of this process, Due has now become more aware of the screening process. He is now looking for a “crack” to fall through. Due was surprised that although he was convicted under his alias, Bad Diligence, his criminal record was accurate and complete because of the SSN & Address verification. He also realized that his latest conviction was uncovered despite the fact that it was in a county that he never resided in. This was because the hospital's policy called for CI to run the NY Statewide criminal search which includes misdemeanor and felony convictions for all counties in NY State.

It is typical for convicted criminals and rejected candidates to focus their job search on companies that do not perform background investigations. That means companies that do not conduct screening will typically have a disproportionate percentage of convicted criminals, sex offenders and drug abusers working for them.

It is important for employers who conduct background investigations to deter undesirables from even applying for positions by clearly communicating that they conduct background investigations. Employers should include such a statement in all job postings and ads. Deterring

undesirables from applying will result in considerable time and cost savings.

Due applied for a position at Clean Sweep, a janitorial service company. Due did not apply for a position in the office, but rather a field position. Clean Sweep, as Due was well aware, is a company that provides services to Quick Fix Hospital.

Quick Fix Hospital, as well as many other clients of Clean Sweep, requires vendors with access to their facilities to conduct background screening on all employees providing services on their property. However, they failed to define specific requirements for the depth of their vendor's background investigations.

Quick Fix Hospital is Clean Sweep's largest client. Clean Sweep made certain to meet the background screening requirement when it was implemented two years ago, the same time Quick Fix implemented its own policy. However, Clean Sweep was meeting the requirement by running an inexpensive check from a company they found online called Cheap Check. Cheap Check touted their results as an instant national check.

The reality is there is no reliable national criminal database. The database results that Cheap Check passed onto Clean Sweep did not show Due's convictions under his alias, Bad Diligence. The results also did not include misdemeanors. Because the database Cheap Check used included only higher level felonies from Department of Corrections data, typically where incarceration time exceeded one year, the background check done was not only cheap, but virtually useless.

Stay tuned and find out in the next issue if Due is able to clean up his act or just “clean house” at the hospital as an employee of Clean Sweep.

*TO BE CONTINUED.....*



### MEET DUE DILIGENCE

#### Last “Scene” from Due

We learned last month that Due spent time in jail for possession of a controlled substance. It became apparent that Due has a Meth addiction. Due attempted to get his old job back at Quick fix Hospital. Quick Fix HR stuck to their policy of conducting a background investigation on all new hires, even though Due had been gone just 60 days.

In light of his controlled substance conviction, Quick Fix did not rehire Due because of the potential for access to prescription medication at the hospital. Due's background investigation included a SSN & Address Verification and a 7 Year Criminal History which included a NY Statewide Search.

To see Due's results, view his Report at [www.commercialinvestigationllc.com/duespage](http://www.commercialinvestigationllc.com/duespage). Read Volume 3, Issue 1 to see the full details of Due's attempt to get rehired at the hospital at [www.commercialinvestigationllc.com/Newsletter](http://www.commercialinvestigationllc.com/Newsletter).

Next Episode: See how Due falls through the “crack” and gains access to the same hospital that would not hire him back.

**Disclaimer: This information is based on actual fictional characters and real events. Only the names, locations and events have changed. These changes are for the sole purpose of protecting the identity of the actual fictional characters. Any resemblance to any other fictional characters and actual made-up events is purely coincidental.**

## COMPLIANCE CORNER

### NATIONAL CRIMINAL INFORMATION

The reality is there is no reliable national criminal database. The closest that exists is the FBI's database and access to it is strictly limited to law enforcement. However, CI does offer a Multistate Criminal Record inquiry which searches a database of over 260 million criminal records. In contrast to going to each individual courthouse, such a database is a valuable tool in helping employers cover a wider area quickly, thereby knowing where to conduct a more in-depth search for information.

Though national in scope, data provided is compiled from multiple public record data sources, including departments of correction, state court administrations, state law enforcement agencies, traffic courts, state and county criminal record repositories, prison parole and release files, probation records and records from other state agencies. Because a multistate database is compiled from many different sources, the extent of the information available that is associated with a particular subject's name may vary considerably. The case records from one jurisdiction may contain a full summary of docket information about a case, including its disposition, whereas the case records from another

jurisdiction may contain only a docket number and date of final adjudication. No claims should be made as to the completeness of multistate databases or that current data for all jurisdictions is included. There are a number of reasons that multistate database information may not be accurate or complete. Because of the nature of the database, the appearance of a subject's name is not an indication that the subject is a criminal any more than the absence of the subject's name shows that the subject is not a criminal. Any positive match must be verified by reviewing actual court records. Any lack of a match is not the same as a subject being "cleared."

Database information does not substitute for a courthouse search of criminal records. It is recommended that database screening be added to traditional screening methods, not replace them. Reasonable measures are taken to update these records as available, but as in all public records, completeness, accuracy and timeliness of each jurisdiction's records is controlled by that jurisdiction.

Please contact a CI representative for guidance regarding this issue and for a review of your BACKGROUND INVESTIGATIONS policy.

## COMMERCIAL INVESTIGATIONS LLC

A LICENSED PRIVATE INVESTIGATIVE AGENCY

Dedicated to providing innovative Private Investigative solutions to its clients and working with them to develop tailored services that meet their needs.

Services provided include:

#### BACKGROUND INVESTIGATIONS

CI provides accurate, timely, cost-effective and fully compliant reports delivered with exceptional client service.

#### CONSULTING SERVICES

CI assists you in implementing a compliant background investigation process as well as providing assistance in implementing in-house procedures.

#### COMPETITIVE INTELLIGENCE

CI assists you in gaining a competitive edge with discrete, thorough and valuable intelligence.

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#### ∞ INQUIRY SPOTLIGHT ∞

**SEX OFFENDER REGISTRY**  
CI's SEX OFFENDER REGISTRY inquiry helps mitigate a company's risk of workplace violence and potential negligent hiring or retention lawsuits. CI recommends that its clients conduct a Sex Offender Registry inquiry in every state the subject has lived in, and by every name the subject has used, within the previous seven years.

According to a 1997 Bureau of Justice Statistics report, on any given day in the U.S., there are approximately 234,000 offenders that have been convicted of rape or sexual assault under the care, custody or control of corrections agencies. Nearly 60% of these sex offenders are under conditional supervision residing in the community. An estimated 61% of violent sex offenders confined to State prisons have a prior conviction history that resulted in a sentence to probation or incarceration. Approximately 25% of imprisoned rape and sexual assault offenders have a prior history of convictions for other violent crimes and 1 in 7 have been previously convicted of a violent sex crime.

Convictions for sexual offenses will appear on the subject's criminal record in the county or state where the offense was committed. However, oftentimes, sexual offenders will relocate to a different jurisdiction where their criminal record might not reflect the offense. Fortunately, under federal law, sexual offenders must register with the appropriate sexual offender database whenever they relocate. The U.S. Department of Justice reports that there are more than 500,000 registered Sex Offenders nationwide. According to the U.S. Bureau of Justice Statistics, the recidivism rate for sex crimes is four times higher than for other offenses.

These statistics more than justify conducting a Sex Offender Registry inquiry as part of a thorough background investigations policy. To add CI's Sex Offender Registry inquiry to your BACKGROUND INVESTIGATIONS, contact a CI representative.

This publication is designed to provide accurate and authoritative information with respect to the subject matters covered. It is distributed with the understanding that CI is not engaged in rendering accounting or legal services.