

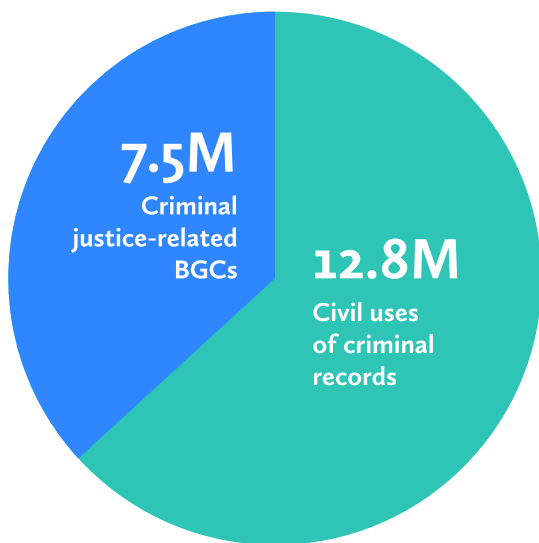


The Challenges of Fingerprint-based Background Checks

The FBI manages the national criminal justice database that centralizes fingerprint records and criminal history information from law enforcement agencies nationwide. It includes federal and state data submitted voluntarily by local agencies.

Initially created for criminal and law enforcement purposes, this database is often used today to run criminal background checks (BGCs) related to employment or lending services.

In 2020, 20 million fingerprint BGCs were processed. Of those, 12.8 million were civil uses of criminal records, and 7.5 million were criminal justice-related background checks.¹



Processed fingerprint BGCs in 2020 (per 20M)

4 key limitations

Using the FBI databases for non-law enforcement or non-criminal purposes can pose problems.

1 They don't show the complete picture of a person's criminal history

The federal repository lacks disposition data for about 30% of its arrest records.² The repositories often miss final disposition information (i.e., whether an arrest resulted in a conviction, acquittal, etc.).

The FBI databases can display arrests that didn't lead to charges or cases where the person was found not guilty. These checks may also miss some criminal events because they usually only include arrests where the person was taken into custody and fingerprinted. Arrests made through citations, summons, warrants, or indictments may not be in the system or could be added later.

2 They can have a discriminatory impact on communities of color

With nearly 50% of African-American men and 44% of Latino men arrested by age 23 nationwide, the practice of denying work based on law enforcement records with incomplete and inaccurate information disproportionately disadvantages people who have been arrested.³

3 Matching two fingerprints isn't perfect

In the matching process, fingerprints don't have to be exactly the same, just "significantly" similar.⁴ Fingerprint images are often imperfect due to our fingers moving and touching things. While new technologies clean up the images, they may unintentionally change the fingerprint by simplifying it.⁵

4 Appealing FBI results is not a straightforward process

The FBI can't correct errors; instead, the individual must contact each of the local agencies that provided the information. For multiple hits, reaching out to each state or the FBI is necessary. Name-based checks for employment follow the Fair Credit Reporting Act (FCRA), which provides consumer protections, unlike fingerprint checks.

These challenges can be overcome using name-based background checks run by Consumer Reporting Agencies (CRAs), which are subject to federal regulations requiring privacy controls, accuracy-ensuring procedures, and appropriate appeals processes.

¹ SEARCH, <https://www.ojp.gov/pdffiles1/bjs/grants/305602.pdf>

² Idem

³ Brame R, Bushway SD, Paternoster R, Turner MG. Demographic Patterns of Cumulative Arrest Prevalence By Ages 18 and 23. *Crime Delinq.* 2014 Apr;60(3):471-486. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4443707>

⁴ Mungan, M. Criminal Background Checks: Implications for Discrimination and Crime. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4591735# (publication forthcoming)

⁵ Idem