



The
Public Record
Authority

**The Public Record Update
November 2018**

BRB Publications Founder Honored at NAPBS Conference

The [National Association of Professional Background Screeners](#) (NAPBS) held their annual fall conference in Baltimore, MD this year. The conference had a record number of attendees as its theme was 'Passport to the World', emphasizing their focus on an industry that is growing globally. In the opening ceremony of the conference, the association not only celebrated 15 years as an organization but also awarded its first-ever Lifetime Achievement Award. The honoree was our very own Mike Sankey. Mike was a founding member of the NAPBS, served on the first board of Directors and has been instrumental in establishing the organization as a resource and voice in the industry. I can without a doubt say that this award was well deserved.



Mike Sankey offering words of gratitude.

(Photo taken by BRB Publications)



Court News

All Forty-Four Idaho Counties Now Accessible on iCourts

The State of Idaho has completed the migration of court data for every county to its new public access online portal called iCourts. The final sixteen counties migrated were Bannock, Bear Lake, Bingham, Bonneville,

Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, and Teton. With this transition, the Legacy System (iStars) is no longer available. Presently, a challenge exists for users in verifying the complete DOB for cases found on the new system (where only the year of birth is provided). One must request assistance from the Court Clerks to have the subject's identity verified. This process is cumbersome; however, the court does have plans to make court documents available for public users in the future. No time frame has been provided as it may be two or more years.

To access iCourts and search the statewide court data, visit <https://mycourts.idaho.gov/odysseyportal>.

New Counties Go Live on Odyssey in Indiana With More to Come

Howard, Wabash & Putnam counties were recently added to the state's Odyssey case management system at <https://mycase.in.gov/>. Miami and Wells counties are scheduled to be added later in 2018. To view the complete list of participating courts and the courts scheduled to use Odyssey in the near future, visit <https://www.in.gov/judiciary/4234.htm>.

Pending Arkansas Lawsuit

As previously reported, in March of this year various Arkansas District courts began refusing to perform Criminal Record searches for the public without the completion of a written affidavit. Additionally, the courts who implemented this affidavit process would then review the affidavit and could still deny the request. As you can imagine, this adversely affected the background screening process. [NAPBS](#) (National Association of Professional Background Screeners) took a lead role in the efforts to remedy this. Following their efforts, the majority of the courts involved did resume providing public access. However, the clerk acting on behalf of the Bentonville Division of the Benton County District Court stood firm in their decision to deny access. On July 23, 2018, the NAPBS, advocating for its members, filed a lawsuit. See Pulaski County Civil Case No. 60CV-18-5146, National Association of Professional Background Screeners Vs. Jennifer Jones, in her official capacity as Clerk of the District Court of Benton County, Arkansas, Bentonville Division. Since the filing, there has been a Motion to Dismiss and most recently NAPBS filed a response to the Motion to Dismiss. In the response filed on October 31, 2018, NAPBS states "Criminal Background screening has become an important tool for employers, property managers, and volunteer organizations to ensure safe homes, safe workplaces, and compliance with state and federal regulations.", and goes on to claim that "by misconstruing and misapplying Order 19 to refuse to provide NAPBS members with access to court records, Jones is exceeding the scope of her authority as Clerk and is violating NAPBS members' federal constitutional and Arkansas statutory rights.". Should the NAPBS be successful in their efforts with this lawsuit this could be a big win for access to public records and benefit the background screening industry and public record researchers as a whole. With the continued press on accurate and timely background checks, the removal of any roadblocks to accessing these records is a must.

Los Angeles, CA - Implementing Electronic Filing

The Los Angeles Superior Court will soon make electronic filing of all documents filed in the Civil Division mandatory. The Court is providing a transition period where documents can be filed in person at the clerk's office or submitted electronically. See below the scheduled implementation dates per civil filing type.

| | Voluntary | Mandatory |
|------------------------|-------------------|------------------|
| Limited Civil | 11/13/2018 | 12/3/2018 |
| Unlimited Civil | 12/3/18 | 1/2/2019 |
| Complex Civil | N/A | 1/2/2019 |

Problems with Criminal Records Maintained in Virginia

Last month the [Virginia State Crime Commission](#) held a meeting where they shared a startling discovery regarding the state's Central Criminal Record Exchange. Per research, the [Virginia State Police](#) (VSP) had placed 751,154 offenses in a "CCRE Hold File" that had not been added to the Central Criminal Record Exchange. According to VSP data these offenses are in a holding file due to two types of errors: 1) 90% Lacked Fingerprints, 2) 10% Due to other errors. See below the breakdown of the 90% (**675,081**):

- **234,727** Felonies with offenses including Murder/Homicide, Rape, Robbery, and Assault. The list also includes Probation/Supervision Violations as contributing to 40.5% of the missing felony offenses.
- **440,354** Misdemeanor offenses such as Assaults, Narcotics, DWI, and Larceny.

The criminal records maintained in the Exchange are utilized widely for Employment eligibility, Licensing eligibility, and Firearms background checks. The data is also used when determining First Offender eligibility, Sentencing guidelines, Expungements and Latent fingerprint comparisons. Following the Commission's findings and in efforts to repair procedure moving forward, the Commission made 13 recommendations along with multiple policy decision options. The details outlining the Commission's findings can be viewed at <http://vscc.virginia.gov/Fingerprinting%20Presentation%202018.pdf>.

Motor Vehicle News

Update on States' Compliance with REAL ID Act (as of 11/1/2018)

(The following is an excerpt from the electronic version of the MVR Access and Decoder Digest)

The REAL ID Act, passed by Congress in 2005, enacted the 9/11 Commission's recommendation that the Federal Government set standards for the issuance of sources of identification including driver's licenses. The Act established minimum security standards for license issuance and production. The Act also prohibits Federal agencies from accepting (for certain purposes) driver's licenses and identification cards from states not meeting these minimum standards. The purposes covered by the Act include accessing Federal facilities, entering nuclear power plants, and boarding federally regulated commercial aircraft. Per the Department of Homeland Security (DHS) web page at <https://www.dhs.gov/real-id>, all states that are not yet compliant have been granted an extension. Four Territories are still under review for an extension. Whether or not to grant an extension is determined by the following, among other considerations:

- Progress made by jurisdiction in implementing the minimum standards of the Act;
- Justification for noncompliance and plans for implementing any unmet requirements; and
- Existence of external factors (e.g., resources, contract cycles, operations issues) that would delay full implementation.

Note that extensions are renewable at the discretion of the Secretary provided there is adequate justification for continued non-compliance. Renewal is not automatic, and the state must provide DHS with information about their progress in implementing any outstanding standards.

Below is a list of states (as displayed on the web page mentioned above) with the extension date the state was granted. This means Federal agencies (including TSA) will continue to accept driver's license and identification cards issued by these states in accordance with each agency's policies for access to Federal facilities, nuclear power plants and federally regulated commercial aircraft until the date shown.

States with Extensions:

Alaska, 06/01/2019
 California, 01/10/2019
 Illinois, 06/01/2019
 Kentucky, 08/01/2019
 Maine, 10/10/2019
 Minnesota, 03/01/2019
 Missouri, 08/01/2019
 Montana, 06/01/2019
 New Jersey, 10/10/2019
 Oklahoma, 10/10/2019
 Oregon, 10/10/2019
 Pennsylvania, 08/01/2019
 Rhode Island, 05/01/2019
 Virginia, 01/10/2019

Territories Currently Under Review for an Extension:

American Samoa, 10/10/2019
 Guam, 01/10/2019

Northern Mariana Islands, 06/01/2019
Virgin Islands, 04/01/2019

For further information and details, visit the Department of Homeland Security (DHS) web page at <https://www.dhs.gov/real-id>.

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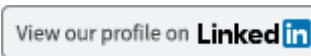
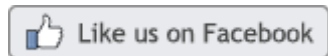
[Motor Vehicle Record Decoder](#)

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