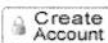


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Criminal Records Glossary Criminal Justice Terms and Definitions

----- select a state -----

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#)
[N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [X](#) | [Y](#) | [Z](#)

A.

Abduction

Taking away by violence or fraud and persuasion; kidnapping. Usually a female or wife, child or ward.

Abet

See Aiding and Abetting.

Abstraction

Taking away with intent to harm or deceive.

Accessory

Not the perpetrator of the crime but in some way involved without being present in the commission of the crime.

Accessory After the Fact

One who helps a criminal to elude arrest.

Accessory Before the Fact

One who induces another to commit a crime

Accordance

Conforming to the rules.

Accountability

The state of being accountable, liable, or answerable.

Acquittal

A not-guilty verdict absolving an accused party of guilt. Release or absolution.

Acted

To carry out an action.

Action

Case, cause, suit or controversy disputed or contested before a court of justice.

Adjudicated Guilty – Conviction

The defendant has been found guilty of the charges.


Instant Background Checks

- [State Background Checks](#)
- [3-State Background Check](#)
- [National Background Check](#)

Non-Instant Background Check

- [County Background Checks](#)
- [Federal Search](#)
- [SSN Validation & Address History Trace](#)
- [Driving Records](#)
- [Eviction Checks](#)
- [Professional Verifications](#)

Employment Screening
Credit Checks for Landlords & Renters - Tenant Screening



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Adjudication

The legal process by which a case or claim is settled. May also be the final pronouncement of judgment in a case or claim.

Adjudication Withheld

The court will withhold a decision until a future date. Usually some sort of probation is added and if the defendant complies with the conditions for a specified period of time, the case may be dismissed. If the case is not dismissed, then the disposition remains adjudication withheld and the case is closed. However, if the defendant is found in violation, the case disposition may be changed and the defendant can be found guilty.

Admission

Confession of a charge, an error, or a crime; acknowledgment.

Admitted

To acknowledge; confess.

Adult

An individual who is 18 years of age and over (see Minor and Child).

Adulterated Specimen

A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Affidavit

A written statement of fact that is verified by oath or affirmation before a notary public.

Affirmed

In the practice of the appellate courts, the decree or order is declared valid and will stand as rendered in the lower court.

Affray

Brawl or disturbance. Not premeditated.

Aggravated

(assault, battery, arson, etc.) Circumstances surrounding the commission of a crime or tort which increase or add to its injurious consequences.

Aiding and Abetting

To assist and/or incite another to commit a crime.

Alias

False name used in substitution of a legal name on official documents and for official purposes. Nicknames are not considered aliases. May be noted as AKA (Also Known As) on criminal records.

Allegation

A claim or statement of what a party intends to prove; the facts as one party claims they are.

Allege

To claim or declare that something is so.

Amendment

The correction of an error in any process, pleading, or proceeding at law.

Annual Percentage Rate (APR)

The cost of credit over a full year. The law requires lenders to express financing terms of the APR.

Antitrust Acts or Laws

Laws to protect trade and commerce from unlawful practice.

Appeal

A request for a higher level review of a decision in which the involved person disagrees.

Appearance

The coming into court of either party to a suit or action.

Appellant

One who makes a complaint to a superior court to review the decision of a lower court.

Appellate Court

A court having jurisdiction of appeal and review. Not a trial court.

Appellee

The party against whom the appeal is taken.

Applicant Tracking System (ATS)

Any system, whether in paper or software form, that manages both an organization's job posting and data collection (i.e., resume/applications) process to efficiently match prospective candidates to the proper positions.

Appropriate

To take something from another for one's own use or benefit.

Arbitration

The process of resolving a dispute or a grievance outside of the court system by presenting it to an impartial third party or panel for a decision that may or may not be binding.

Archive/Archives

The place where records are stored after a certain specified period of time. The period of time a record is held at a court of record may differ between courts and states.

ARD Program – Non-conviction

Mostly found in the state of Pennsylvania, this stands for "Accelerated Rehabilitative Disposition Program." This program is given to the defendant in place of adjudication. If the defendant completes the program, the case is closed.

Arraignment

A criminal defendant's first appearance before a judge. The primary purpose is to inform the defendant of what charge he is facing.

Arrest

The taking of an individual into custody by law enforcement personnel for the purpose of charging them with an illegal act.

Arrest Record

An official form completed by the police department when a person is arrested. Also, a cumulative record of all instances in which a person has been arrested.

Arson

The attempted or intentional destruction of property by fire or explosion.

Assault

An unlawful act that places another person in reasonable apprehension of receiving an immediate battery. Also defined as an attempt to commit a battery. The defendant must have intended to injure the victim or make the victim reasonably fear being struck. An assault is intentional, not an accident.

Attacked

To set upon with violent force, an assault.

Attempted

To attack with the intention of subduing.

Average Daily Balance

A method of computing the figure on which the finance charge for credit card financing will be based. The account balances for each day in the billing period are totaled and divided by the number of days in the period.

[top](#)

B.

Bail

Bond money paid to a court, by or on behalf of a criminal defendant, as security that, when released from jail, the defendant will appear at future hearings. If another person posts the bail money, then that third party vouches that the defendant will appear at future court dates. Bail can be forfeited if the defendant fails to appear or violates release conditions.

Bail / Bon Forfeiture – Non-conviction

The charges against the defendant are dropped. Not enough evidence to convict.

Battery

An intentional, unwanted and forceful/violent touching of another person, or something closely connected with that person.

Bench Trial

A trial held before a judge and without a jury.

Bench Warrant

A process delivered by the court directing a law enforcement agency to bring a specified individual before the court.

Bind-Over

A finding at a preliminary examination that sufficient evidence exists to require a trial at the Circuit Court level on the charges made against the defendant.

Blackmail

An illegal demand for money or property under threat of harm or exposure of undesirable acts.

Blind specimen or blind performance test specimen

A specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from an employee specimen.

Bond

A debt intended to insure the defendant's future appearances in court. The amount of the bond is set by a judge or magistrate. Factors influencing the amount set include the seriousness of the charge, the defendant's criminal history, and the defendant's ties to the community. There are four types of bonds:

Bond Forfeiture

Bond forfeiture occurs when a case has been disposed and a fine is to be, or has been paid. If it is a first offense, it is listed on the record but not classified as a conviction; any other time it is classified as a conviction.

Bond: Cash bonds

require the full amount of the bond to be paid in cash before the defendant can be released. If the defendant appears at all future court dates, most of the monies are returned to the person posting the bond.

Bond: Percent bonds

require the defendant to post a percentage of the full bond (generally as low as 10%) to get out of jail, and the remaining percentage is due only if the defendant later fails to appear.

Bond: Personal recognizance bonds

PR bonds or signature bonds) do not require the defendant or a third party to pay money to the court, unless the defendant later fails to appear.

Bond: Surety bonds

are posted by a professional bondsman after being paid a non-refundable percentage of the full amount by the defendant.

Bookmaking

An operation with the purpose of placing, registering, paying off or collecting debts for bets.

Breaking & Entering

Using some force to enter a building (opening a door, raising a window, taking screen off, etc.); damage need not result.

Brief

A written statement of the case, including a summary of the facts, a statement of the questions of law involved, and the arguments and legal authorities upon which the party relies. It serves as each party's principal submission to the appellate court for its decision.

Burden of Proof

The duty to establish by evidence a requisite degree of belief concerning a fact in the mind of a trier of fact. The duty to establish facts in an adversary proceeding. Different burdens of proof exist in the law.

Burden of Proof: Preponderance of the evidence

The burden of proof in civil cases. Evidence which, as a whole, shows that the fact sought to be proved is more probable than not. Evidence which is more credible and convincing to the mind. It is generally visualized as that side of the dispute toward which the scales tip when the credible evidence is weighed by the trier of fact. Something more than 50 percent of the credible evidence. Clear and convincing evidence: the burden of proof in selected proceedings, such as termination of parental rights. A measure of proof which produces a firm belief as to the allegations. It is difficult to quantify, but is more than a "preponderance" and less than "beyond a reasonable doubt." Beyond a reasonable doubt: the degree of belief a criminal juror (or the judge in a bench trial) must have regarding all factual elements of a charged crime. No doubt, based on reason and common sense, can exist as to any fact needed to be proved.

Burden of Proof: Prima facie evidence

Evidence which is good and sufficient "on its face" to establish a given fact when un-rebutted or not contradicted. Probable cause.

Burglary

The act of entering a premises, without the privilege to enter, with the purpose of committing a crime. States may classify as first, second, or third degree burglary.

[top](#)

C.

Cancelled test

A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Capias

The Latin meaning is "That You Take". This is the name for several types of writs which require that a law enforcement official take a named defendant into custody.

Capital Case/Crime

Case or crime for which the death penalty may be imposed.

Capital Punishment

Punishment by death for capital crime.

Carnal

Sexual, sensual. Carnal knowledge is sexual intercourse.

Cause of Action

One or more related charges, combined and made against a defendant for wrongs committed.

Chain of Custody

The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Challenge

An objection to the seating of a prospective juror on the jury panel for a trial.

Challenge for Cause

A challenge to a juror for which some cause or reason is alleged.

Charge

An accusation of wrong doing.

Charged

To accuse formally or explicitly.

Charges

To make a claim of wrongdoing against; accuse or blame.

Child

Individual who is younger than 18 years of age.

Circuit

Judicial division of the United States or of an individual state.

Circuit Courts

Courts whose jurisdiction extends over several counties or districts. (There are thirteen judicial circuits wherein the U.S. Courts of Appeals reside).

Citation

An order issued by a law enforcement officer requiring appearance in court to answer a charge. Bail is not accepted in lieu of appearance.

City Court

Courts that try persons accused of violating municipal ordinances. City courts may have jurisdiction over minor civil or criminal cases, or both.

Civil Disorder

A violent public disturbance by three or more people which causes danger, damage or injury to property or persons.

Cleared

Free from charges.

Clerk of Court

Court officer in charge of the clerical work; keeps the records, issues process, enters judgments and orders, and gives certified copies of documents from the record.

Co-defendant

One of a group of two or more people charged in the same crime.

Coercion

The use of physical force or threats to compel someone to commit an act against their will.

Collection site

A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Common Law

A body of legal principles which derives its authority solely from usages and customs of ancient times, or from the judgments and decrees of courts recognizing, affirming, and enforcing such usages and customs; particularly the ancient unwritten law of England. Common law is to be distinguished from "statutory law," which is enacted by a legislative body such as Congress or a state legislature.

Community

A city, town, district, neighborhood, or other commonly recognized geographical, social, or political area.

Community Resources

Workplaces, businesses, places of worship, social groups, consultants, health care facilities or professionals, places for recreation or entertainment, and other facilities, professionals, or supports generally available to the population-at-large within a community.

Community Service

A court imposed sanction that requires offenders to work in the community to repay society for the harm done by their actions.

Community Supervision

Classification with unrestricted day and night movement and full access to jobs and programs.

Competent

Means a person is capable of making informed decisions in specific areas regarding the conduct of one's personal and/or financial affairs. Family - Parent, foster parents, spouses, siblings, and others who perform the roles and functions of family members in the life of an individual, including persons in a relationship of mutual support with an individual that is exclusive and expected to endure over time.

Complainant

The party who complains or sues; one who applies to the Court for legal redress, also called the plaintiff.

Complaint

The document on which criminal misdemeanors are charged in District Court, as well as the initial charging document for felonies.

Completed

Having come to an end; concluded.

Completion

Conclusion; fulfillment.

Compounding Crime

The receipt by an individual of consideration in exchange for an agreement not to prosecute or inform on someone who they know has committed a crime.

Concurrent Sentence

Upon conviction for multiple crimes, a criminal sentence served at the same time as another criminal sentence, rather than one after the other.

Conditional Discharge

A conviction. Court issues the discharge from the jail and requires defendant to comply with some conditions. Regardless whether defendant complies with rules or not, he/she is still convicted (GUILTY) and case can never be expunged.

Conditional Discharge – Non-conviction

The defendant has no finding of guilt. The court is discharging him/her from trial on special conditions that they must follow. If they do not abide by these conditions, the discharge may be revoked and the finding may become guilty.

Conditional Release

The release from a correctional facility before full sentence has been served which is conditioned on specific behavior. If conditions are not met, the individual may be returned to the facility.

Conditions

A stipulation in an agreement that provides for a change consequent on the occurrence or nonoccurrence of a stated event.

Confirmation (or confirmatory) drug test

A second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test

A second test performed on a urine specimen to further support a validity test result.

Confirmed drug test

A confirmation test result received by an MRO from a laboratory.

Consecutive Sentence

Upon conviction for multiple crimes, a criminal sentence served at the same time as another criminal sentence, rather than one after the other.

Consent Decree

A court judgment in which both parties agree to work out the terms of the settlement subject to court approval.

Considerations

A factor to be considered in forming a judgment or decision.

Considered

Thought about or decided upon with care.

Consortium/ Third-party administrator (C/TPA):

A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members.

Conspiracy

The coming together of two or more people for the purpose of committing an unlawful act or to commit a lawful act by unlawful means.

Consumer Reporting Agency (CRA)

A bureau that gathers and provides information about individuals - such as if they pay their bills on time or have filed bankruptcy - to creditors, employers, and landlords. Companies that perform pre-employment screening services are also considered CRAs and are governed by the FCRA, as are the employers that use background screening services.

Contempt of Court

An act committed which serves to obstruct the court in its administration or authority.

Continuance

The cessation, interruption, or adjournment of a proceeding until a future date.

Controlled Substance

A drug whose availability is restricted by law.

Conversion

The unauthorized taking of another's property.

Conviction

The formal decision of a criminal matter which finds the accused guilty. It is the finding of a judge or jury, on behalf of the state, that a person has, beyond a reasonable doubt, committed the crime that they were accused of.

Cost-per-hire

A common measure used in human resources to evaluate the average costs incurred in recruiting and hiring new employees. Generally the equation is total recruitment costs divided by total number of new hires. Typical components of this measure include relocation costs, advertising/job board fees, interviewing expenses, referral bonuses, recruitment staff compensation, skills assessment and pre-employment screening.

Costs

An amount of money awarded to the successful party (and recoverable from the losing party) solely as reimbursement for certain of the expenses in prosecuting or defending the suit.

Count/Charge

An offense named in a cause of action. A cause of action may contain multiple counts or charges, each relating to the others but identifying a separate offense.

Court

A place where justice is administered.

Court of Appeal

An intermediate federal court, inferior to the U.S. Supreme Court but higher than U.S. District Court. Its function is to review the final decisions of the district courts, is challenged. There is a Court of Appeals for circuit in each of the judicial circuits.

Court of Appeals

An "intermediate" appellate court between the Supreme Court and state trial courts. Final decisions from a Circuit or Probate Court hearing may be appealed to the Court of Appeals.

Court of Limited Jurisdiction

Court that has authority to adjudicate cases of a certain kind or up to a limited amount, usually lesser offenses. (Opposite of Court of General Jurisdiction)

Court of Record

The court where the permanent record of all proceedings is held.

Court reporter

An individual who makes a stenographic record of the testimony, evidence and rulings and transcribes the hearing process.

Court-Appointed Attorney

Legal counsel assigned by the court to represent an indigent criminal defendant. A court-appointed attorney is not necessarily a "free" attorney; the court can order that some or all of the attorney's bill be reimbursed.

Credit Bureau

A reporting agency that assembles information on borrowers to help lenders evaluate credit worthiness. You are entitled to see your credit report and dispute or add to the information you feel is erroneous. Your objection(s) must be filed in writing with the report.

Credit Card Fraud

Use, or attempted use of a credit card to purchase goods or services with the intent to avoid payment of such.

Crime Against Nature

Deviate sexual intercourse.

Criminal Case

A charge filed by a prosecutor against a defendant concerning violation of a criminal law. The act of violating a criminal law is an offense against the community, not a private wrong. Examples of criminal cases include theft and murder.

Criminal Complaint

In criminal law, a charge, preferred before a magistrate having jurisdiction, that a person named, has committed a specific offense, with an offer to prove the fact, to the end that a prosecution may be instituted.

Criminal Nonsupport

Failure to pay child support in violation of court order.

Criminal Plea

The defendant's response to a criminal charge (guilty, not guilty, or nolo contendere).

Cross Examination

The questioning of a witness by a party other than the one who called that witness to the stand.

Culpability

Blame, or degree of responsibility for a crime. This may be in degrees of purposeful, knowingly, recklessly or by negligence.

Cumulative Sentence

A sentence that takes effect after a prior sentence is completed for crimes tried under the same cause of action.

[top](#)

D.

Dangerous

Able or likely to cause physical injury.

Dangerous Weapon

Something that is capable, though not designed to cause serious injury or death.

De Novo

Latin for "anew" or "afresh". Usually used as Trial De Novo. New trial, or one that is held for a second time, as if there had been no previous trial or decision.

Dead Docket

The case never went to trial. The case can be reopened if new evidence is submitted.

Deadly Weapon

A weapon designed to cause serious injury or death.

Dealer

A person who buys and sells drugs illegally.

Dealt

To buy and sell drugs illegally.

Decision

A judgment, as one formally pronounced by a court.

Default Judgment

A judgment rendered because of the defendant's failure to answer or appear.

Defendant

A person who has been formally charged with committing a crime.

Deferred Adjudication of Guilt

The final judgment is delayed for a period of time. Can be likened to probation before a final verdict. If "probation" is completed without incident, the charges are usually dropped and the case is dismissed. During the "probationary period" the disposition is not necessarily considered a conviction.

Deferred Discharge

Dismissed and considered a non-conviction.

Deferred Probation

The judge doesn't make a finding of guilt; he assigns probation. If probation is completed without incident, the charges are usually dropped.

Deferred Sentence

Postponement of the pronouncement of the sentence.

Defraud

Knowingly misrepresenting facts to cheat or trick.

Degree

(First, Second, or Third, A, B or C) Classification assigned to a crime, depending on circumstances, for purposes of determining punishment. First degree is considered most serious than third; A is more serious than C. Degrees may be assigned to the actual crime (IE: murder in the first or second degree) or the class of crimes (IE: felony or misdemeanor).

Delinquency (Criminal)

A crime committed by a minor under the age of 17. Juvenile delinquency offenses are prosecuted in the Family Division of Circuit Court.

Delinquency (Loan)

Failure to make a loan payment on time. You may then be required to pay a late fee, expressed as a flat fee or a percentage of the amount due

Dependent Child

Includes children who are homeless or without proper care through no fault of their parents, guardian, or custodian.

Deposition

An oral statement made by a person before an officer authorized by law to administer oaths. The attorney for the opposition party is notified to attend the deposition where he may cross-examine the deposed party. The deposition may sometimes be used later in the trial, or it may be taken only to obtain discovery.

Dilute Specimen

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Directed Verdict

A determination by a jury, made at the direction of the judge. A directed verdict happens in cases where there has been a lack of evidence, an overwhelming amount of evidence, or where the law is in favor of one of the parties.

Disclosure

Something that is made known and that was previously unknown.

Discovery

The pre-trial devices that can be used by one party to obtain facts and information about the case from the other party in order to assist the party's preparation for trial.

Dismissal

Finally disposing of the cause without further consideration. May be voluntary or involuntary. When involuntary, there is usually lack of prosecution or failure to produce sufficient evidence.

Dismissal With Prejudice

Term meaning an adjudication on the merits, and final disposition, barring the right to bring or maintain an action on the same claim or cause.

Dismissal Without Leave After Deferred

Prosecution Charges dismissed after specified time (90 days to 1 year) provided certain conditions have been met such as participating in specified program of anger control or drug counseling or providing community service, etc.

Dismissal Without Prejudice

Term meaning dismissal without prejudice to the right of the complainant to sue again on the same cause of action.

Disposed/Disposition

The final outcome or resolution of a court case or criminal matter. Examples of disposed cases are those with a finding of guilt (conviction), innocence, or acquittal.

Disregard

To pay no attention to.

District Court

Court of the U.S., each having territorial jurisdiction over a judicial district, which may include a whole state or only part of it. The district courts are the trial courts of the Federal Judiciary.

Diversion Program

To set aside. A court direction which calls a defendant, who has been found guilty, to attend a work or educational program as part of probation. May include some type of anger management, drug rehab, etc. If the condition of program is met, charge may be considered non-conviction.

Diversity of Citizenship

A crime or claim which extends between citizens of different states. This is one of the grounds that can be used to invoke the jurisdiction of the U.S. Federal District Court.

Docket Record

A listing of all court actions in a case from its inception to its conclusion.

Double Jeopardy

Being tried twice for the same offense. Jeopardy "attaches" or begins in a jury trial when the selected jury is sworn, and attaches in a bench trial when the first witness is sworn.

Driving Under the Influence (DUI)

Same as Driving While Intoxicated.

Driving While Intoxicated (DWI)

Operating a motor vehicle while under the influence of alcohol or drugs. Complete intoxication is not required. Individual state statutes specify the blood alcohol content at which a person is presumed to be under the influence of intoxicating liquor.

Dual Citizenship

When a citizen of one country takes on the additional citizenship and it's privileges from another. What determines this is according to the original country's requirements. Some countries require you to relinquish their status if you take on citizenship in another country, others don't.

Due Diligence

A reasonable and expected measure of attention taken for a particular action. Not measurable by an absolute standard, but dependant on the situation.

Due Process of Law

Procedures followed by law enforcement and courts to insure the protection of an individual's rights as assigned by the Constitution.

[top](#)

E.

Embezzlement

The taking of another's money or property by one entrusted with its possession, usually through employment.

Equal Employment Opportunity (EEO)

A system of employment practices regulated by the EEOC under which individuals are not excluded from any participation, advancement, or benefits due to race, color, religion, sex, national origin, or any other action that cannot lawfully be the basis for employment actions.

Equal Employment Opportunity Commission (EEOC)

The federal agency responsible for administration of several statutes that prohibit discrimination; has power to subpoena witnesses, issue guidelines that have the force of law, render decisions, provide technical assistance to employers, and provide legal assistance to complainants.

[top](#)

E.

eRecruiting

Recruiting methods that take place via the Internet.

[top](#)

E.

Escaped

To slip or get away, as from confinement or restraint.

Evidence

Any species of proof, or probative matter, legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, for the purpose of inducing belief in the minds of the court or jury as to their contention.

Ex parte

On one side only. When an act is one for one party only. For example, in an Ex parte proceeding, only one party to the case is heard.

Examination

An interrogation or search. The examination of a witness consists of a series of questions asked by a party through the action or his attorney, in order to bring before the court or jury the knowledge which the witness has of the facts or matters in dispute, or probing and sifting the evidence as previously given.

Expunge/Expunged

To seal or purge records of arrest, criminal, or juvenile record information. When a record of an offense is expunged it will not appear on a released criminal history. The record may be destroyed or sealed after a certain period of time. Records may be expunged in juvenile cases, or upon satisfactory completion of a court-ordered probation and/or class(es).

Extended Workforce

The portion of a company's workforce made up of temporary employees, vendor employees and independent contractors.

Extortion

Obtaining another's property by actual or threatened force, fear or violence.

Extradition

The surrender by one jurisdiction to another of a person accused or convicted of an offense committed within the jurisdiction demanding the individual's return.

[top](#)

F.

Fair Credit Reporting Act (FCRA)

The FCRA is designed to protect individuals, by promoting accuracy, fairness, and privacy of information in the files of every Consumer Reporting Agency (CRA). Companies that perform pre-employment screening services are governed by the FCRA, as are the employers that use background screening services.

Felonious

Describing an offense which is done with malicious, villainous criminal intent. IE: felonious assault.

Felony

The most serious of criminal-type offenses. Felonies are classified as 1st, 2nd, or 3rd degree with 1st degree being the most serious.

Felony Conversion

(Fraudulent Conversion) Similar to embezzlement or theft. An example of felony conversion is if someone sold goods for a company, and kept the money instead of turning it in to the company. (North Carolina)

Filing

The commencement of criminal proceedings by entering a charging document into the official record of a court.

Findings

A decision or verdict after judicial inquiry.

Fine

A court imposed sanction that requires offenders to pay a monetary penalty for their actions.

Firearm

A weapon, a pistol or rifle, capable of firing a projectile and using an explosive charge as a propellant.

Forcible Entry

Entering or taking possession of property with force, threats or menacing conduct.

Forensic Studies

Firearm, document, polygraph, DNA, medical, accounting, computer, handwriting experts and other known expert witnesses available to testify to their findings for Court purposes.

Form I9

Federal form required of all appointees to verify their U.S. citizenship, or if they are aliens, their eligibility for employment in accordance with the Immigration and Naturalization Act of 1986.

Fraud

The commission of an act with the goal to benefit or gain advantage at another's expense. A purposeful misrepresentation with the intent to deceive.

Freedom

The state of being free or at liberty rather than in confinement or under physical restraint.

Fugitive File – The case has not been to trial

Found in Virginia. The case has not been to trial at this time. A warrant, summons or paper from the district attorney's office was issued for delivery to the defendant to appear for trial; however, the defendant could not be located. Therefore, the case is technically pending; however, the paperwork was never served.

[top](#)

G.

Georgia 1st Offender Act

O.C.G.A. § 42-8-62 (In Part). Upon fulfillment of the terms of probation, upon release by the court prior to the termination of the period thereof, or upon release from confinement, the defendant shall be discharged without court

adjudication of guilt. The discharge shall completely exonerate the defendant of any criminal purpose and shall not affect any of his civil rights or liberties and the defendant shall not be considered to have a criminal conviction.

Government Records Access and Management Act

The federal act which establishes procedures for accessing, classifying and sharing public, private and confidential and protected records effective July, 1992.

Grading of Crime

Higher or lower in grade or degree, according to the measure of punishment attached and meted out on conviction and the consequences resulting to the party convicted, for example first, second, or third degree murder.

Grand Jury

A body of persons with the authority to investigate and accuse, but not to try cases. The grand jury will listen to and review evidence to see if there are sufficient grounds to bring an individual to trial.

Grand Larceny

The theft of property over a specified value. Dollar amounts vary by state.

Gross

Flagrant, out of measure.

Gross Misdemeanor

Serious misdemeanor.

Guardianship of a Person

Includes, among other things, authority to consent to marriage, major medical, surgical, and psychiatric treatment and enlistment into the armed forces. "Guardianship of a person" includes legal custody, if legal custody is not vested in another person, agency, or institution.

Guilt/Guilty

Final disposition. Having committed a crime.

Guilty in Absentia – Conviction

The jury has found the defendant guilty without them having appeared in court.

[top](#)

H.

Habeas Corpus

A writ requesting a trial or the release of a prisoner.

Habilitation

The process by which an individual acquires and maintains the life skills necessary to cope more effectively with personal and environmental demands or to improve physical, mental, and social competencies.

Habitual Violator

To have committed the same offence three times. Can also be charged as a habitual offender.

Hallucinogens

Lysergic acid diethylamide "LSD, acid" and phencyclidine "PCP, angel dust"

Harassment

The investigation of all forms of aggravation, e.g. sexual, embarrassing, discrediting or troubling practices that worry or frighten individuals in the workplace or in their personal lives.

Hearing

A relatively formal proceeding similar to a trial, with one or more legal issues to be agreed upon or determined.

Hijacking

To take control of a vehicle by intimidation, force or threatened force. Also, the theft of goods while in transit, as when transported in trucks.

Homicide

The killing of another human being. "Justifiable homicide" occurs in cases such as during the enforcement of law, and/or occurs without evil intent. "Excusable homicide" may occur by accident or in self-defense. "Felonious homicide" is the killing of another without justification. This type has two degrees - manslaughter and murder, depending on circumstances or intent. See Manslaughter; Murder.

HR-XML

An operating language established by voluntary members of the human resources community who agree to use common definitions to facilitate automated exchange of all HR-related data between organizations. HireRight is a founding member of the HR-XML Consortium.

Human Resource Management Systems (HRMS), aka Human Resource Information Systems (HRIS)

Software-based systems that manage all or a part of the human resources function of an organization. Typical functionality includes employment demographics, benefits/compensation management, training, payroll and reporting.

Hung Jury

A hung jury is one in which all jurors cannot reach a consensus required for a verdict.

[top](#)

I.

Ignored – Non-conviction

The case never went to trial. It was ignored by the state.

Illicit

Not permitted or allowed; prohibited; unlawful; as in illicit trade.

Impeach

To impeach a witness is to introduce evidence intended to contradict testimony or to question his credibility.

Improper

Not conforming to legality, moral law, or social convention.

Incendiary

One who intentionally set fires. Arsonist.

Incorrigible

One who is incapable of reform.

Indices

A sequential arrangement of material, especially in alphabetical or numerical order; index.

Indict

To bring a formal accusation against, as a means of bringing to trial.

Indictment

A formal written accusation originating with a prosecutor and issued by a grand jury against a party charged with a crime. An indictment is referred to as a "true bill", whereas failure to indict is called a "no bill".

Information

An accusation exhibited against a person for some criminal offense, without an indictment. A written accusation made by a public prosecutor, without the intervention of a grand jury.

Infraction

Violation of local ordinance or state statute usually resulting in a fine or limited period of incarceration. Term usually used in traffic offenses.

Injunction

A court order which prohibits a person from doing a specified act for a specified period of time.

Intent

The frame of mind or attitude of the person at the time an act was committed. See Culpability.

Intoxicates, Intoxication

Reduction of physical or mental capabilities caused by the ingestion of an intoxicating substance such as alcohol or drugs.

Involuntary Dismissal

Dismissed due to lack of prosecution or lack of evidence.

[top](#)

J.

Judgement

A sense of knowledge sufficient to comprehend nature of transaction. The formation of an opinion or notion concerning some thing by exercising the mind upon it.

Judgment of Conviction

A judgment conviction shall set forth the plea, the verdict or findings, and the adjudication and sentence.

Jurisdiction

The power of a court to question facts, apply law, make decisions and judgments.

Justice

The maintenance or administration of what is just by law, as by judicial or other proceedings.

Juvenile Court

The branch of the judiciary that has legal responsibility for youth under the age of 18. The court is a civil court that adjudicates cases where youth are thought to be abused, neglected, or dependent and cases where youth are accused of some delinquent or status offense.

[top](#)

K.

Kidnapping

At common law, the forcible abduction or stealing and carrying away of a person from one country to another. A person is guilty of kidnapping if he unlawfully removes another from his place of business or residence.

Killed

To put to death, To deprive of life.

Killer

A person or thing that kills.

[top](#)

L.

Larceny

The unlawful taking of another person's property. Larceny is commonly classified as "petty" or "grand" depending on the value of the property. Dollar values to establish classifications of "petty" and "grand" may vary from state to state.

Lawful

Allowed or permitted by law; not contrary to law.

Lawless

Being without law; uncontrolled by a law; unbridled; unruly; unrestrained.

Lawyer

A person whose profession is to represent clients in a court of law or to advise or act for clients in other legal matters.

Legal Malice

An act, committed without just cause or excuse, intended to inflict harm or cause death.

Legally Competent or Presumed Competen

For individuals 18 years of age or older, not having been declared by a court to be incapable of making informed decisions with respect to the conduct of one's personal and/or affairs

Lewd and Lascivious

Obscene, indecent.

Libel

Defamation of another person through print, pictures, or signs.

Licensed Child Placing Agenc

An agency licensed by the State to receive children for placement.

Lis Pendens

A pending suit.

[top](#)

M.

Magistrate

Public officials, including judicial officers who have limited jurisdiction in criminal cases and civil causes.

Mail Fraud

The use of the mail system to commit a fraud.

Malice Aforethought

Planning to commit an unlawful act without just cause or excuse.

Management reports

Reports designed to reflect pre-screening report activity. An example is a report that displays turnaround time for reports and types of reports ordered. This is different from the pre-employment screening report, which displays information specific to the individual candidate.

Manslaughter

The unpremeditated killing of a person. Can be voluntary or involuntary, determined by circumstances. The feature distinguishing involuntary manslaughter from voluntary is the absence of intent to cause death or commit an act that might be expected to produce death or harm. Voluntary manslaughter is homicide that is committed during an act in the heat of passion.

Marijuana

Common terms it is known by include herb, pot, weed, hash, cannabinoids

Mayhem

The intentional infliction of injury on another which causes amputation, disfigurement or impairs the function of any part of the body.

Medical Review Officer (MRO)

A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Minor

A person under the age of 18.

Misdemeanor

Criminal-type offenses that are less serious than felonies and generally those punishable by fine, penalty, forfeiture or imprisonment otherwise than in a penitentiary. Under federal law, and most state laws, any offense other than a felony is classified as a misdemeanor.

Misdemeanor Intervention Program – Non-conviction

A program designated only for misdemeanor offenses in which the defendant may comply to the conditions of the program in order to avoid conviction.

Mislead

To lead or guide wrongly; lead astray, to deceive.

Misleading

Deceptive; tending to mislead.

Mistrial

An invalid trial the result of which cannot stand because of some fundamental errors. When a mistrial is declared, the trial must start again from the selection of the jury.

Mistrial

A trial which is terminated or declared invalid. Reasons for mistrial include misconduct on the part of the jury, defense team or the court, or illness on the part of the judge, jury or defendant. May be followed by a retrial on the same charges.

Misused

To treat badly or abusively; maltreat.

Murder

Unlawful killing with malice aforethought. Murder is willful, deliberate and premeditated, or done during the commission of a crime. This classification of crime is generally divided by degrees, murder in the first degree and murder in the second degree, for the purpose of imposing penalties.

[top](#)

N.

Narcotics

Heroin, morphine, opium codeine, meperidine and methadone

Negative Dilute

A specimen that lab has determined to be negative, no illegal substance is found, it is human urine, but the levels fall below normal levels. Drinking lots of fluids prior to voiding can cause this situation.

Negligence

Flagrant and reckless disregard of the safety of others. Willful indifference.

Negotiated Plea

See Plea Bargain.

No Bill or No True Bill

The decision by a grand jury that it will not bring indictment against the accused on the basis of the allegations and evidence presented by the prosecutor.

No Contest

A plea in which the defendant does not contest the charge. This has the same effect as a guilty plea except the conviction cannot be used against the defendant in a civil suit

No Papered

Charges were not pursued. (This is a legal term in Washington, D.C.)

No Probable Caus

There was not sufficient reason to bring case to trial.

Nolle Pros or Nolle Prosequi

Latin phrase used by the district attorney or plaintiff when they do not wish to prosecute or proceed with the action.

Nolli Illigitimi Carborundum

Latin phrase loosely translated, "hang in there."

Nolo Contendre

Latin phrase used by a defendant to say "I do not wish to contest." This plea in a criminal case has the legal effect of pleading guilty. See No Contest.

Non-Adjudication of Guilt – Non-conviction

Same as adjudication withheld.

[top](#)

O.

Obtain Property under False Pretense

The misrepresentation of the value of something. Passing bad check.

Operating While Intoxicated (OWI)

Same as Driving While Intoxicated.

Ordered

An authoritative indication to be obeyed; a command or direction.

Ordinance

A rule established by authority; a permanent rule of action; a law or statute.

Other – Non-conviction

Defendant is given special provisions for one year to abide by since this is a first offense. If no further violation of the same nature occurs, case is closed.

Outstanding

Remaining unsettled, unpaid.

[top](#)

P.

Pander

To provide products or services which cater to the sexual gratification of others. To entice another into prostitution.

Parole

To release from confinement after serving part of a sentence, usually with terms and conditions provided in the parole order.

Parole Violation

An act that does not conform to the terms of parole.

Periodic Rate

Annual Percentage Rate (APR) divided by the days, weeks or months in a year.

Perjury

Intentionally making a false statement under oath.

Permanent Residency

Usually referring to a type of entrance visa status by the INS.

Plaintiff

A person who brings an action. A person who seeks remedial relief for an injury of rights; it designates a complainant.

Plea

The defendant's formal answer to a charge.

Plea Bargain

A plea of guilt to a lesser offense in return for a lighter sentence.

Prayer for Judgment, 1st Offense (NC)

Asking the court to give leniency, it falls under deferred prosecution, meaning the state did not prosecute. No finding of guilt by the court. Example, with worthless checks it gives the defendant a chance to pay the check before being charged.

Pre-employment Screening

Pre-employment screening services can include background screening, drug screening, skills assessment and behavioral assessment. A thorough background screen verifies important factual information about a prospective employee (i.e. identity, employment history, education credentials). It also helps gain critical information about an applicant's character and past history that isn't always apparent in an interview or application, such as criminal history, credit history, and driving record.

Pre-Integrated

A term used for integrated software solutions that have been jointly developed, built, tested and proven prior to being released to the public.

Presentence Hearing

A proceeding during which the court considers relevant information, such as extenuating circumstances, held for the purpose of determining a sentence for a person convicted of an offense.

Pretrial Conference

Conference among the opposing attorneys and the judge called at the discretion of the court to narrow the issues to be tried and to make a final effort to settle the case without trial.

Pre-Trial Intervention

An extensive background check to help determine if charges will be pressed.

Primary Specimen

In drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Probation

Relief of all or part of a sentence on the promise of proper conduct.

Process Other – Non-conviction

Defendant was not charged on this count due to being charged for another count.

Prosecute

To proceed against a person criminally

[top](#)

Q.

Quash/Quashed

Declined to prosecute but with the option to reopen the case.

Quid pro quo

What for what, something for something. Used in law for the giving of one valuable thing for another.

[top](#)

R.

Racketeering

An organized conspiracy for the purpose of committing crimes of extortion or coercion.

Rape

May be forcible or by intoxication, with a person who is underage and unable to give consent, or with a person with diminished mental and/or physical capabilities.

Received

To take or acquire.

Reckless Endangerment

An act which does or could cause injury to another, not necessarily with intent.

Refused

Charges were not accepted by the District Attorney's Office.

Rejected – Non-Conviction

The case never went to trial. The state rejected the hearing of the case.

Remand

To return an individual to custody pending further trial, or to return a case from an appellate to a lower court for further proceedings.

Residential

Having to do with where people live.

Responsible – Non-Conviction

The defendant is responsible for the payment of the fines or fees of the crime. They are not found in guilt, however, must pay what they are ordered. Often found on traffic tickets or minor violation.

Restitution

1. A requirement by the court as a condition of a revocable sentence, or earlier in the criminal justice process, that the offender replaces the loss imposed by his or her offenses. 2. Money received from a probationer for payment of damages.

Restraining Order

An order prohibiting a specified action until such time that a hearing on an application for an injunction can be held.

Retired

(as Disposition) The case can be brought up within the next year if the individual is arrested for anything. It is the judge's decision and only he can take action. If the individual remains "clean," then the case can be dismissed.

Returned Un-Served

Found in North Carolina. The case has not been to trial at this time. A warrant, summons or paper from the district attorney's office was issued for delivery to the defendant to appear for trial; however, the defendant could not be located. Therefore, the case is technically pending; however, the paperwork was never served.

Revoke

To take back or withdraw; annul, cancel, or reverse; rescind or repeal.

RICO Act

Racketeer Influenced and Corrupt Organizations Act.

[top](#)

S.

Secretary of State/state

The state office where your documents will be either apostilled or certified, depending on the country program.

Secreting Lien Property

Hiding property that has a lien filed against it.

Sedition

Advocating the overthrow or reform of a government by unlawful means.

Sentence

A judgment of punishment for a criminal act.

Sentence Withheld

A court decision postponing the execution of a sentence and discharging the defendant conditional upon good behavior.

Serious Misdemeanor

Having a more severe penalty than other misdemeanors.

Single Parent

A parent who is not currently married. This can include never married and divorced individuals.

Slander

Defamation verbal communication. Making false and malicious statements about another.

Solicitation

Asking, urging or enticing.

Speeding

The act or practice of exceeding the speed limit.

Split specimen

In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

SSL (Secure Sockets Layer) encryption

A protocol designed to provide secure encrypted communication over the Internet.

Status: Closed

No further action will occur on this case; cannot be reopened at later date.

Statutory Rape

Sexual activity by an adult with a person under the age of consent.

Stet Docket – Non-Conviction

Will not prosecute at this time. Eligible to be re-opened for one year if a violation is committed during that time. After the one-year period and no violations have been committed, it cannot be re-opened and the case is closed.

Stimulants

Amphetamines "speed," cocaine, nicotine and caffeine

Stricken

To eliminate or expunge.

Stricken Off Leave – Non-conviction

Often seen in Illinois, the case has been stricken off docket with the ability to reinstate at a later date if deemed that the case can be prosecuted. This is often because the prosecutors run out of time to prosecute.

Substituted Specimen

A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Summary Conviction

A finding of guilt by a magistrate or judge, without a jury, of a person accused of a misdemeanor or violation.

Summary Judgment

The decision of a court concerning merits of a lawsuit, where upon review of the facts, it is determined that the party who made the motion for summary judgment is entitled to judgment.

Summons

In criminal law, a written order notifying an individual that he or she has been charged with an offense directing the person to appear in court to answer the charge.

Suspended Sentence

Deferment of punishment usually over a period of probation.

[top](#)

T.

Theft of Services

Obtaining services without consent through deception, threat, tampering, etc.

Theft/unauthorized

Theft by using someone else's information, credit card, check, or something similar.

Time-to-hire

A common measure used in human resources to evaluate the average amount of time it takes to fill an open position. This is normally measured from the point the job request is submitted by the hiring manager to the point the new employee walks in the door.

Toddler

This can mean different things in different countries, but usually a child between 18-60 months (1 1/2 to 4 years).

Traffic Offenses

A group of offenses usually consisting of those infractions and very minor misdemeanors relating to the operation of self-propelled surface motor vehicles. Violators of these laws may incur fines, loss of license, or imprisonment.

Translations

When a document is converted from one language to another.

Trial

An event in which parties come together to present information (in the form of evidence) in a formal setting, usually a court, before a judge and jury, in order to achieve a resolution.

Truncated Files

Destroyed or partially destroyed. Unable to obtain any more information.

[top](#)

U.

Unconditional Discharge

A sentence where the court is authorized to release the defendant without fine, imprisonment, or probation supervision if the court is of the opinion that no proper purpose would be served by imposing any condition on the defendant's release.

Under the Influence of Intoxicating Liquor or Drug

Any condition where the nervous system, brain or muscles are impaired to an appreciable degree by an intoxicating substance.

Unlawful

Not lawful; contrary to law; illegal.

Unlawful Entry

Entry without force and without permission by means of fraud or other wrongful act.

Usury

Charging more interest than is permitted by law for a loan of money.

Uttering

To forge another's name.

[top](#)

V.

Vacate

(Judgment) To make void; to cancel.

Vehicular Homicide

Death of another caused by the intentional, unlawful or negligent operation of a motor vehicle.

Venue

The geographic area where the case or claim occurred, within which a court with jurisdiction can hear and determine a case. A change of venue, or the moving of a case from one court to another may be granted for such reasons as when the court does not think the defendant can get a fair trial in that area or for the convenience of the parties in a civil case.

Verdict

The formal, final decision or finding made by a jury or judge.

Verified test

A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

Vocational

Having to do with employment, a job, or one's career path.

Voluntary Dismissal

The court or district attorney dismisses the charges against an individual.

[top](#)

W.

Waived – Conviction

Mainly found in the state of North Carolina. This means the defendant has waived his / her right to trial and has pled guilty to the charges. In turn, the court accepts the plea of guilty.

Waiver by Magistrate

Charges are waived after the defendant agrees to pay a fine. The defendant is not prosecuted on this charge.

Waiver of Jury

The right to a jury trial is waived and the judge makes the decision of guilt or innocence.

Wanton Reckless, malicious

Without regard for the rights of others, indifferent to consequences to health, life or the reputation of another. Usually done without intent, but an act so unreasonable the perpetrator should know that harm will result.

Warrant

(Arrest Warrant) A written order of the court which is made on behalf of the state, or United States, and is based upon a complaint issued pursuant to statute and/or court rule and which commands a law enforcement officer to arrest a person and bring him before a magistrate.

Weapons Offenses

The unlawful sale, distribution, manufacture, alteration, transport, possession or use of a deadly or dangerous weapon.

With Specifications

When W/S is listed after a charge, it is usually followed with a description of violence involved with the charge.

Withheld

Adjudication withheld.

Writ

A written court order, or a judicial process.

Wrongful Entrustment

Allowing an unlicensed driver to operate a motor vehicle.

[top](#)

X.

XML

Short for Extensible Markup Language. XML is a language designed especially for Web documents. It enables the definition, transmission, validation, and interpretation of data between applications and between organizations.

[top](#)

Y.

Youthful offenders

Status classification of youths and young adults generally older than juveniles (age 18 to 25), who are given special consideration.

Youthful Training Act

Usually a non-conviction. Used for juvenile first-time offenders. It may be reported on a criminal record. If the juvenile complies with the sentence, the case will be dropped from the record when the offender reaches adulthood.

[top](#)**Z.****Zealous witness**

An untechnical term denoting a witness on the trial of a cause who manifests a partiality for the side calling him, and an eager readiness to tell anything which he thinks may be of advantage to that side.

[top](#)**CriminalBackgroundRecords.com - Criminal Court Reports**

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