

## **Understanding Court Structure and Criminal History Searches**

Court structure varies from state to state. Approximately 80% of the county courts throughout the United States house both Felonies and Misdemeanors in the same courthouse. In other counties, court records may be in multiple courts across multiple courthouses. Automation varies from highly sophisticated docket tracking systems to microfiche or card index catalogues.

Some states offer a State Repository Record Search. These searches are dependent on each individual court reporting data to the state. The Court of Record at each County in these states can also be searched, however often only the court with jurisdiction over felonies can be searched at the County Level. It is sometimes recommended that a county search be combined with a Statewide Search. Some states do not offer a statewide search at all, and can only be searched at the County Level.

Although the "felony" charge type is a common term throughout the judicial system, there are some states that refer to such a charge as an "indictable offense" or other such verbiage. (i.e. New Jersey)

Counties have varying access. Not all are computerized or searched using the same identifiers.

Some counties do not allow the public or a provider to do the search. The clerk must complete the search. These are sometimes referred to as "Mercy of Court" areas or "mercy courts."

Common identifiers that are returned on county court records are name and date of birth (DOB). Other identifiers may be available, such as Social Security Number (SSN), address, Driver's License Number (DL #), etc. Personal identifiers may vary from county to county. More and more counties are placing restrictions on the personal identifiers they will return.

Every court determines its own search methodology (i.e., by name, Social Security Number, date of birth). It is a very common misconception that all courts are indexed for searching the same way.

Access to the length of years that may be searched varies from court to court. Even if court records may be provided by a court, they may not be reportable by a background screening firm or able to be considered by the user of the report, due to a variety of federal and state laws and regulations.

Whether an offense is categorized as a felony or misdemeanor may vary from state to state. As with all records requiring a lot of manual data entry and/or handling, records do contain errors. County court structures can be fragmented or not unified, which means not all charges from all courts may be found in the discovery process of a standard search.

Dispositions and case numbers differ from state to state ("T" is traffic one place while "C" means criminal in others).

Many non-public access courts charge an out-of-pocket expense in order to conduct a criminal record search. These are typically referred to as "disbursement fees", "statutory fees", or "court access fees." Requests for copies and file retrieval may incur an additional expense, depending upon the court. County Fee structures for the access and retrieval of records vary. Fees may include copies, access, clerk pulls, and file pulls.

Court records are not always stored onsite at the court house. Obtaining records from off-site facilities may cause delays in turnaround time.