

NAPBS Position: Transportation Network Companies

The National Association of Professional Background Screeners (NAPBS) believes that TNCs should help ensure the safety of their passengers by conducting background checks on drivers, but mandating fingerprint-based checks limits fair competition and the choices available to businesses.

The checks many TNCs already employ through the use of professional background screeners are more thorough and may reveal information about a driver applicant's criminal history that otherwise would not be discovered through a fingerprint-based check alone.

- Using an applicant's personal identifiers and, depending on the client's needs, a professional background screen can include a search of criminal history information using a combination of both private databases and primary source data (such as county, state and federal repositories), professional credentials, education and employment history, motor vehicle records, sex offender registries, government watch lists, and more.
- According to research from the U.S. Government Accountability Office (GAO), the use of private companies to conduct criminal history record checks appears to be increasing because of client demand and their ability to provide benefits, such as faster response times. (Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used For Employment-Related Background Checks, February 2015)
- The Department of Justice has stated that "users may not want to rely exclusively on an FBI and state repository check and may also want to check other record sources, such as commercial databases and local courthouses, to obtain more complete and up-to-date information." (The Attorney General's Report on Criminal History Background Checks, June 2006)

NAPBS recommends that any regulations concerning background screening requirements allow TNCs to use professional screening services who have the ability to search multiple sources including, but not limited to, national databases, state repositories, local primary source information, and driving records histories, rather than prescribing a search of the FBI's fingerprint-based database, which does not provide a full picture of many individuals' criminal history.

- A fingerprint search only reflects information received by the Federal Bureau of Investigation (FBI) from states and municipalities. A 2015 GAO Report found significant gaps exist in the FBI database as not all jurisdictions report information to the database.
- If a state or county fails to report arrest records or a court disposition, that data will not appear on the FBI Identification Record.
- This reliance on a single database, which is premised upon a passive collection system, can lead to a large number of incomplete or even inaccurate files which can harm the driver applicant as well as TNCs and riders.

There is no single database containing comprehensive records regarding a person's criminal history.

- The FBI criminal history database is incomplete with significant gaps, contrary to popular belief that it is the "gold standard."
- According to former Attorney General Eric Holder, the purpose of the FBI database is to aid law enforcement during investigations and "was not designed to be used to determine whether or not someone is eligible for a work opportunity."
- Only 20 states reported that 75 percent or more of the records from their state included final dispositions, according to the General Accounting Office