

A Checklist to Use Before You Place An Order With A Record Retriever ...

To avoid any major misunderstanding about expectations, you should be clear at the outset of what you expect a record retriever to do for you. Below are ten critical aspects of a search that we think are essential **to review before you place an order with a public record retriever.**

1. Determine Exactly What Type of Records You Want Searched

You must always be crystal clear about what information you need. Do not give the retriever vague instructions. For example, regarding **Criminal Searches**

An order to do a “criminal record search,” is not an adequate description. Is it for felonies only, for felonies and misdemeanors, or for both? If misdemeanors are desired, should the search include DWI’s? Is a federal court search also required?

2. Determine Where You Want to Search

You must determine if you wish the retriever to search all or only part of the county court structure. Frequently this question is associated with the previous question. Simply make sure to ask if there is more than one location where the information requested might be obtained. Court locations provide a complex example in a number of states and counties. A county may have two courts with the same jurisdictions, but without a combined index to search. Another example, municipal courts in a county may have overlapping jurisdiction with the state court in the county with respect to misdemeanors.

Another consideration is which county to search. There are over 8,000 ZIP Codes that cross county lines. Your may wish to independently check which county is correct for the given address or ZIP Code of the subject. When asked, the retriever can perform a more thorough job by searching in highly populous contiguous counties where additional records might be located.

Note: The word “county” is frequently used to describe a local geographic area. The use of this term is also meant to recognize and include the parishes in Louisiana as well as the 400+ independent cities that have either separate jurisdictional recording offices, courts, or both. For example, while there are 3,141 counties and parishes in the U.S., there are over 3,600 local entities that hold recorded documents.

3. Decide the Time Period to Search

When hiring a retriever, you need to give specific instructions on how far back to make the search. Better yet, ask what is the retriever’s norm or standard search period for that particular county. Many local jurisdictions have computerized an index to records, but their index may only go back a limited number of years. If the date range of the index does not meet your needs, the retriever will need to perform a separate, manual search of the older records.

4. Know the Subject’s Name

You should develop standards to determine if the subject name you give a retriever is adequate for searching.

Individual names such as “George H. Ruth” may be adequate for your purposes, or you may want to ask whether the middle initial is known, especially if the name is common. Also, “G. Herman Ruth” may create real search problems for the retriever if you don’t know what the “G” stands for.

You will need to state clearly in your request the names you wish to be searched and any constraints or limitations on search procedures due to the form of the name. A retriever may be expected to find common variations of the subject name, but cannot, nor is responsible to, determine all the weird variations that a keypuncher might inflict on a name.

5. Let the Retriever Know if You Anticipate Records or Hits

Public record searching is not a test. It always helps the retriever to know if you are aware of any records that now exist on the subject. You may say, "That's none of his or her business, the retriever is hired to do the search." That's okay, but realize that public records can be mis-indexed by the filing officers or court personnel. Most retrievers will extend their search procedures beyond their usual thorough methods if they did not get a hit when one was anticipated.

6. Prepare to Ask How the Search Will be Conducted

Has anyone ever asked this question? Everyone should ask. Public record searches are performed at the actual court or recorder records office, by human beings. Keep in mind the methods of storage and retrieval of public records can vary from one government agency to another. Who performs that actual search? Some agencies require that the names to be searched for be handed over to the clerk who performs the actual search. Some agencies have computer terminals that a researcher can view in person. The researcher may have to type in each name, or the researcher may review a list of names to see if the applicant's name appears. Some agencies index names in other searchable formats such as ledgers, microfiche, or microfilm. Some of these ways may be official, and some unofficial, but provided by the agency.

Therefore, it is incumbent upon you to ask the retriever about the possible search methods and clarify how you wish the search to be performed. If for legal reasons you require an "official" search, one done by the government office itself and certified, then make that requirement clear at the outset.

In those jurisdictions where a retriever has the option of searching on a private, third party database rather than on the official database of the agency, the retriever should never conduct a search on the private database without your expressed permission.

7. Know What Documents You Want to Obtain or What Results You Want Reported

Obtaining documents can be quite costly. Perhaps you think you are asking for a list or index of public records on a subject and the retriever hands you copies of 500 UCC filings. Make sure you find out first if you have no choice but to obtain documents as part of a search. The retriever should inform you of the possibility of excessive copy costs in advance of performing the search.

What if the retriever finds an exact name match, but another identifier (like a DOB) does not match? What if the first and last name match as well as the DOB, but the middle initial does not? Do you want to have this information reported to you? A good idea is to ask the retriever what his/her standard procedure is if a near match occurs. Keep in mind that there have been lawsuits filed by employers when a close match is not reported that was a positive "hit" on a criminal record.

8. Know Your Deadline

Let the retriever know when you need the results and ask if you have a reasonable time expectation. In those jurisdictions where government personnel must perform the search you need to know if the normal turnaround time does not fit your needs. In those situations, ask if the government agency offers an expedited service for an additional fee or you will need to adjust your turnaround time expectations.

9. Determine How You Want the Results Given to You

Be clear on how you expect the form of delivery of the search results. Will it be by fax, by telephone, email, overnight courier, or by regular mail? Ask if there are different fees for different delivery methods.

10. Keep a Written Log of the Request

The nine items summarized above should indicate your complete instructions. If you have an ongoing relationship with a retriever, that retriever should maintain a standard set of client instructions for your orders. If you are working with a new or relatively new retriever, you will lose nothing by being comprehensive with your instructions. Keep a log with the date and time the order was placed, the time and method of expected delivery, and whom you spoke to if you placed the order by telephone. Using standard, written procedures will minimize the chances of making a mistake, and help insure your instructions are legible and complete.