



Almost always, in some state-of-the-art spy thriller, the main character sits down at his yet-to-market-ultra-processor-super-slim-notebook computer and types the name of some evildoer into the vastness of cyberspace. Within milliseconds, a plethora of photos, personal identifiers, bank transactions, medical records, telephone calls, criminal associates, blood type and sinister black and white photographs returns back to our hero. If only the reality were so true.

Rapid Research?

By Wes Bearden

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Background investigations today, even with the advent of lightening technology, can be a tedious process. A primary reason for such reality is that Texas, as most other states, is very provincial in nature. In fact, an average person living and working in the Dallas Fort-Worth Metroplex has likely been under the province of at least four counties, over 150 courts, over 350 law enforcement agencies and thousands of more governmental agencies. And, unfortunately, none of them share information amongst themselves. They do however provide much of the information to the public. Just not always in the most accessible of ways.

Although court clerks have allowed the search of their system by litigant, many have, limited such information to certain date ranges, and many have not allowed remote computer access. Although e-filing for a new action is now the standard, research of the past has not necessarily taken such an advancement. As one moves out of the urban areas of the state and into rural areas, funding for categorizing and making available past public records can be scarce at best.

Another stumbling block is the inaccuracy of data. One such riddled database is the Texas Department of Public Safety Criminal Convictions database. The database is a common search tool for many researching a witness's or opposing party's past pedigree. For instance, the Texas Department of Public Safety reported in 2002 that its database only maintains approximately 60 percent of the total convictions statewide. Further acknowledgements included that some counties during the early 2000s reported less than 15 percent of known criminal convictions.

DPS has acknowledged that their system contains fatal errors. In fact, internal studies we've conducted have found a number of serious and violent felony convictions in Dallas County have

never been reported to DPS; defeating the purpose of the system. More troubling, is the fact that this particular system is utilized over three million times a year by government agencies, schools, employers and law firms in conducting oftentimes critical research.

Even in Dallas County, past criminal and civil record systems have existed on multiple servers that have been patch-worked and band-aided together for years in past out-of-date systems. Although federal courts have utilized readily accessible public records systems, they have been difficult to confirm criminal defendants without access to restricted data in the National Crime Information Center (NCIC). And in the case of older data, many courts and other public agencies have begun to follow strict records destruction guidelines or archiving schedules.

Even though we live in a digital age, the reality is that backgrounds can still be a time consuming endeavor. However, they can reveal evidence critical to your case. Many times the key in such investigations is determining the goal of the investigation. Ask yourself, what are my goals? Many lawyers merely want past criminal convictions in an attempt to impeach their witness. However, it is important many times to look for a pattern of activity or admission within another record which may help prove your next element. So, sit down with your investigator and educate them on your case.

Realize that backgrounds are more than typing into a computer and waiting for results. They require a real familiarity with the public record system, court clerk procedure, court system, law enforcement records and organization of local, state and federal government bureaucracies. Either familiarize yourself with the above or find someone who is. Either way, happy hunting.