

10 Tips to Consider Before Placing an Order with a Record Retriever

Accurately communicating needs and expectations goes a long way to avoid major misunderstandings between clients and retrievers.

Be clear at the outset on what you expect a record retriever to do for you. Here are ten aspects of a search we think are essential to review before you hire a retriever. Of course, the one big question not on this list that you will want to ask the retriever is “What is the cost?” This answer cannot be determined until the ten items below are clear to both parties.

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.

Asking a researcher to do a “criminal record search” is not an adequate description. For example, is the search to be conducted for felonies only, for felonies and misdemeanors, or for both? If misdemeanors are desired, should the search include DWIs? Another consideration is if a federal court search is also required.

2. Determine Where You Want to Search

Frequently this question is associated with the previous tip. The point here is to 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. Or municipal courts in a county may have overlapping jurisdiction for misdemeanors with the state court in the county. You must determine if you wish the retriever to search all or only part of the county court structure.

Another consideration is which county or parish to search. There are over 8,000 ZIP Codes that cross county lines. You may wish to independently check which county is correct for the given address or ZIP Code of the subject. Is there an adjoining county with a higher population that shares the same ZIP Code? This should be determined before contacting the researcher.

3. Decide the Time Period to Search

When hiring a retriever to search public records, 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 the 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. This will trigger a higher fee if the search entails looking at two docket locations. Knowing this at the outset will eliminate possible billing disputes.

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 Poindexter” may be adequate for your purposes, but if the name is common you may want to ask the client whether the middle initial is known. Also, “G. Herman Poindexter” 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. 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

If you have pre-screened the subject using a database vendor, let the researcher know. 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 ask “Why?, That’s none of his or her business, the retriever is hired to do the search.” That’s OK, but you must 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 you let them know one is 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. Further, it is now common for indexes to be made available to the general public on the Internet, either from a government agency or a database vendor who has acquired the data from the government agency.

Thus, there may be a number of ways that public information can be searched out. Some of these ways may be official, some “unofficial but provided by the agency,” and some provided by private vendors.

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 – 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 a private database without your expressed permission.

7. Decide What Results are to be Reported if Identifiers are Lacking

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 when near matches occur. Find out if the retriever search must within in the record file itself or in associated paperwork.

For example, let us say you request a record search on Joe B. Cool who has a DOB of 01/01/1985. And let us say the index shows a possible record match of J Cool but with no DOB, and another possible match with a Joseph Cool with a partial DOB match. The next step is for the researcher to examine the two files. The content in the file may contain the matching personal identifiers to the subject. If the highest form of accuracy is vital and expected, then the researcher may be required to view dozens of files.

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. Determine if you Want Documents as Part of a Search

Obtaining documents can be quite costly. Perhaps you assume you are asking for a list or index of public records on a subject, and then the retriever hands you 125 copies from case document files and \$.50 per page.

Ask if a government office charges a high fee for copies and automatically makes copies for all searches. The retriever should inform you of the possibility of excessive copy costs in advance of performing the search. If you know the subject has multiple cases, you may ask the retriever to advise a more cost-efficient way to search the records without incurring substantial copy charges.

9. Determine When and How You Want the Results Given to You

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

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

If email is used, another important aspect to consider is encryption. If you expect results to be encrypted, then you may need to be prepared to give guidance or instructions.

10. Keep a Written or Electronic Log of the Request Instructions

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 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.

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