

## TBI Background Checks

"That guilt shall not escape, nor innocence suffer."  
-- Tennessee Bureau of Investigation's mission statement

"In looking for people to hire, look for three qualities: integrity, intelligence, and energy. And if they don't have the first, the other two will kill you."  
-- Warren Buffett, American financier

The Tennessee Bureau of Investigation ("TBI") has a strong reputation as the state's primary criminal investigative agency. The TBI manages Tennessee's three crime labs. The TBI also assists local law enforcement with investigations involving murder, illegal drugs, fugitives, public corruption, domestic terrorism, and TennCare fraud.

Many Tennesseans do not know that the TBI now performs "background checks" for a fee of \$29. This column covers questions and answers about this relatively recent government service.

### Q. What does a "TBI Background Check" show?

A TBI Background Check reveals whether the person in question has ever been arrested anywhere in the state of Tennessee, provided that the information submitted is correct. This includes any misdemeanor or felony charges. The search shows convictions and arrests, unless a record has been "expunged" (officially removed from the public record) by a court order. It does not cover records of other states.

### Q. What information is needed to run a background check?

The TBI asks for the name, race, sex, date of birth, social security number and current address of the person on whom you are seeking information. The TBI can attempt to perform a background check without a date of birth or without a Social Security number, but it cautions that "the level of accuracy diminishes," especially with common names.

### Q. Can anyone buy a criminal background investigation?

Yes; the service is open to the public. Here are some common examples:

- Employers who are considering job applicants
- Landlords who are screening prospective tenants
- Nursing school students who wish to work at area hospitals
- Child care centers who screen employee candidates

- House cleaning services whose employees go inside homes
- Private security firms with staff in locations of trust
- Moving companies whose workers handle personal belongings
- Persons who check out a fiancé (male) or fiancée (female) before getting engaged or married

### Q. How can I order a background check?

Go on-line at [www.tbi.state.tn.us](http://www.tbi.state.tn.us) and click on "Background Checks." There you can print out a form to mail or fax to the TBI. Payment can be made by cash, money order, cashier's check, credit card, or personal or business check. (Tip: Make sure you don't bounce a check with the TBI.)

### Q. If this is a government service, why is there a fee?

The TBI launched a new unit to process background checks for the general public. Part of the \$29 fee covers salaries and administrative costs. Revenue earned above the TBI costs is used "to offset budget cuts sustained by the Bureau" during recent years.

### Q. Can I buy a background check on a family member... or on myself?

(Ahh, 'the perfect gift for someone who has everything.')

Yes. If the person who is the subject of a background screen has a clean record, the TBI will send back a letter stating such fact.

If the background check shows charges that should have been expunged, then there is a process to appeal the results and have any errors corrected.

by Jim Hawkins, Managing Attorney, Gallatin office, Legal Aid Society

**Note:** This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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