New Screening for 2012

With requests from plant owner - operators for more comprehensive screening, the background screening has been upgraded to Background Check Graded® 2.0 (BCG® 2.0).

Earlier this year, in response to requests from a number of plant owner - operators and working with members of the Safety Council Security Consortium (SCSC), First Advantage developed an expanded contractor background screening package.

This new screening package adds a number of additional information sources to the previous screening package, effectively casting a wider net and providing contractors and owner – operators a more complete picture of the individual.   The BCG® 2.0 now includes criminal searches for all aliases and maiden names, both felony and misdemeanor courts searched at the county level, federal courts searches, and a national criminal database.

Package Element	BCG® 2.0	BCG® 02
County Criminal	☑	☑
• current county of residence	☑	☑
• Include counties from 7 year history of addresses	☑	☑
• include maiden names and aliases	☑	-
• include both felony and misdemeanor courts	☑	-
Federal Criminal - current address and 7 year history of addresses	☑	-
• include maiden names and aliases	☑	-
National Criminal Database	☑	-
• database "hits" validated through a live court check	☑	-
• include maiden names and aliases	☑	-
MVR	☑	☑
Prohibited Parties / OFAC, terrorist watch-list check	☑	☑

What does this mean for the end user? With these additional searches, contractor companies, Safety Councils and petrochemical plant owners - operators will further ensure safe workplaces and properly screened personnel on the job.

Any screens run prior to the cut-over will not need to be re-run and are effective until they expire after two years.

Results of BCG® 2.0

The following is *a selected list of felony conviction types* that have been caught with the BCG® 2.0. The offenses listed below are a partial listing. First Advantage will *review all qualifying felony conviction types* and apply the appropriate "graded" value.

- Conspiracy to launder money

- Interstate travel in aid of racketeering

- Harassment of a witness

- Felon in possession of a firearm in and affecting interstate and foreign commerce and criminal forfeiture

- Possession of a firearm in and affecting interstate and foreign commerce by a convicted felon

- Stealing firearms from a federal licensee

- Convicted felon in possession of a firearm

- Use of counterfeit social security card / fraud and misuse of visas / permits

- Fraudulent use and possession of transportation worker identification credential card

- Using a firearm during a crime of violence aid and abet - count 3; conspiracy to affect commerce by robbery - count 1; interference with commerce by robbery aid and abet - count 2

Overall, the percentage of individuals graded with some type of a 'hit' shows an increase after initial experience with BCG® 2.0, going from 17.76% to 18.98%.

CFATS

In addition to providing a more complete picture of each contractor employee's background, the BCG® 2.0 has been set-up to meet the personnel surety standards of the Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) that will be required for some owner operators.

How Does This Differ From TWIC?

Some contractors have asked whether the BCG is redundant with the TWIC background screen. The criminal offenses that can disqualify an individual from obtaining a TWIC are not comprehensive. Many serious criminal offenses do not disqualify persons from obtaining a TWIC. These include, among others:

- Aggravated assault without the intent to kill;
- Grand larceny;

- o Burglary;
- o Obstruction of justice;
- o Jury tampering;
- o Stalking;
- o Bail jumping; or
- o Impersonation of a law enforcement officer.

- A 2011 Government Accountability Office (GAO) Report found that, TSA reported 460,786 cases where a TWIC applicant was approved, but had either a criminal offense not defined as a disqualifying offense or an interim disqualifying offense that was no longer disqualifying based on the conviction date or the applicant's release date from prison. Each of these cases had to be further reviewed by an adjudicator.   Under this authority, TSA approved 460,786 TWIC applicants with criminal records but denied only 1. In other words, even when a person's criminal record showed a pattern of criminality or conviction for a serious criminal offense outside of the crimes specified on TSA's permanent or interim disqualifying felonies list, TSA denied issuing a TWIC only once.

- With the exception of four crimes (treason, espionage, sedition, and crimes of terrorism), all TWIC crimes are waiver eligible: murder, robbery, rape, and arson, for instance, may all be waived. To seek a waiver, the applicant must complete a waiver request and describe why he or she no longer poses a security threat. As of August 2012, TSA had received 12,519 waiver requests and had granted 10,586. This means that approximately 85% of all waiver requests were granted.

- In June 2012, TSA announced the Extended Expiration Date (EED) TWIC as a "one-time temporary extension option intended to provide convenience and cost-savings to workers pending the deployment of TWIC readers." The EED TWIC allows certain TWIC holders whose TWICs are set to expire on or before December 31, 2014 to obtain a three-year TWIC extension. A key difference between a "standard" TWIC renewal and the EED TWIC extension is the absence of the STA. This means that many TWIC holders (who utilize the EED TWIC option) will not receive a new STA (and thus a new criminal background check) for nearly 8 years.