



## Resources / Help Center

The following links will help you and your counsel comply with various federal and state regulations and understand common terms. The Resources Page is exclusively provided to our clients. The contents, forms, and sample documents should NOT be construed as legal advice, guidance or counsel. Users should consult their own attorney about their compliance responsibilities under the FCRA and applicable state and local laws.

SecurTest, Inc. expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided. Employers seeking credit reports must provide additional notices pursuant to state law. The various forms may require that you enter an authorized PASSWORD, which is case sensitive.

These resources are provided to you to serve as valuable navigational tools and resources to assist you.

***This information is intended for general educational and informational purposes only and is not legal advice, expressed or implied. If you need legal advice, consult with a qualified, licensed attorney.***

### **Consumer Financial Protection Bureau (FCRA)**

[Summary of Rights Under the Fair Credit Reporting Act \(eff. 9.21.2018\)](#)

[Summary of Rights Under the Fair Credit Reporting Act - En Espanol \(eff. 9.21.2018\)](#)

[Summary of Rights For Victims of Identity Theft \(eff. 9.21.2018\)](#)

[Summary of Rights For Victims of Identity Theft - En Espanol \(eff. 9.21.2018\)](#)

### **Equal Employment Opportunity Commission (EEOC)**

[Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964](#)

[Questions and Answers About the EEOC's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII](#)

### **Federal Trade Commission (FTC)**

[Summary of Rights Under the Fair Credit Reporting Act](#)



[The Fair Credit Reporting Act & Social Media: What Businesses Should Know](#)

[Notice to Users of Consumer Reports: Obligations of Users Under the FCRA](#)

[What Employment Background Screening Companies Need to Know About the Fair Credit Reporting Act](#)

[Using Consumer Reports: What Employers Need to Know](#)

[What Tenant Background Screening Companies Need to Know About the Fair Credit Reporting Act](#)

[Using Consumer Reports: What Landlords Need to Know](#)

[FTC Guidance on Screening Tenants](#)

[Background Checks on Prospective Employees: Keep Required Disclosures Simple](#)

## **EEOC and FTC Jointly**

[Background Checks: What Employers Need to Know](#)

Advice geared toward the job applicant. Provides helpful information for employers.

[HUD](#)

[Department of Transportation](#)

[HIPPA](#)

## **FCRA Sections**

[§ 6801. Protection of nonpublic personal information](#)

[§ 6802. Obligations with respect to disclosures of personal information](#)

[§ 6803. Disclosure of institution privacy policy](#)

[§ 6804. Rulemaking](#)

[§ 6805. Enforcement](#)

[§ 6806. Relation to other provisions](#)

[§ 6807. Relation to State laws](#)

[§ 6808. Study of information sharing among financial affiliates](#)

[§ 6809. Definitions](#)

**Common Terms**

The following list, though not all inclusive, will help you understand common terms often found in court documents. Check with your legal counsel, local, state or federal jurisdictions to determine the most accurate definition pursuant to your background screening needs.

**Abandonment** - The relinquishing of a right or interest with the intention of never again claiming it.

**Accessory** - Something of secondary or subordinate importance. In criminal law, a person who aids or contributes in the commission or concealment of a crime. An accessory is usually liable only if the crime is a felony.

**Accessory after the fact** - An accessory who was not at the scene of the crime but knows that a crime was committing and tries to escape arrest or punishment.

**Accessory before the fact** - An accessory who assists or encourages another to commit a crime but who is not present when the offense is actually committed.

**Accident** - An unintended and unforeseen injurious occurrence; something that does not occur in the usual course of events or that could not be reasonably anticipated.

**Accomplice** - A person who is in any way involved with another in the commission of a crime, whether as a principal in the first or second degree or as an accessory.

**Acquit** – To clear (a person) of a criminal charge.

**Acquittal** – The legal certification, usually by jury verdict, that an accused person is not guilty of the charged offense.

**Acquitted** – Judicially discharged from an accusation; absolved.

**Adjudication** - The legal process of resolving a dispute; the process of judicially deciding a case.

**Adjudication Withheld** - The court does not give a final judgment regarding the case. The defendant is given probation, or a program or community service in which they have a specified amount of time to complete. If the defendant complies, the case may be dismissed,

depending on the county/state. If they do not dismiss in that particular county/state, then the disposition remains, adjudication withheld, and the case is closed. However, if the defendant is found in violation, the case disposition may be changed and the defendant can be found in guilt.

**Affidavit** - A voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths, such as a notary public.

**Affirm** - To confirm (a judgment) on appeal.

**Aggravated** - (Of a crime) made worse or more serious by circumstances such as violence, the presence of a deadly weapon, or the intent to commit another crime (such as aggravated robbery).

**Aid and Abet** - To assist or facilitate the commission of a crime, or to promote its accomplishment.

**Alibi** - A defense based on the physical impossibility of a defendant's guilt by placing the defendant in a location other than the scene of the crime at the relevant time.

**Allegation** - The act of declaring something to be true. Something declared or asserted as a matter of fact, especially in a legal pleading; a party's formal statement of a factual matter as being true or provable without its having yet been proved. **Allocution** - A trial judge's formal address to a convicted defendant, asking him or her to speak in mitigation of the sentence to be imposed. This address is required under Fed. R. Crim. P. 32 (c)(3)(c). An unsworn statement from a convicted defendant to the sentencing judge or jury in which the defendant can ask for mercy, explain his or her conduct, apologize for the crime, or say anything else in an effort to lessen the impending sentence.

**ARD Program** - Stands for "Accelerated Rehabilitative Disposition Program". Mostly found in the state of Pennsylvania. This program given to the defendant in place of adjudication. If the defendant completes the program, the case is closed.

**Arrest** - A seizure or forcible restraint. The taking or keeping of a person in custody by legal authority, esp. in response to a criminal charges; specifically the apprehension of someone for the purpose of securing the administration of the law, especially of bringing that person before a court.

**Arson** - At common law, the malicious burning of someone else's dwelling house or outhouse that is either appurtenant to the dwelling house or within the curtilage.

**Assault** - The threat or use of force on another that causes that person to have a reasonable apprehension of imminent harmful or offensive contact; the act of putting another person in

reasonable fear or apprehension of an immediate battery by means of an act amounting to an attempt or threat to commit a battery.

Assault with a deadly weapon - An aggravated assault in which the defendant, using a deadly weapon, threatens the victim with death or serious bodily injury.

Assault with intent - Any of several assaults that are carried out with an additional criminal purpose in mind, such as assault with intent to murder, assault with intent to inflict great bodily injury.

Attempt – In Criminal Law, an overt act that is done with the intent to commit a crime but that falls short of completing the crime.

Bail - A security such as cash or a bond; especially security required by a court for the release of a prisoner who must appear at a future time.

Bail-jumping - The criminal offense of defaulting on one's bail.

Battery - The use of force against another, resulting in harmful or offensive contact.

Bench warrant - A writ issued directly by a judge to a law-enforcement officer, esp. for the arrest of a person who has been held in contempt, has been indicated has disobeyed a subpoena, or has failed to appear for a hearing or trial. A bench warrant is often issued for the arrest of a child-support who is found in contempt for not having paid the support obligation.

Bind over - To put (a person) under a bond or other legal obligation to do something, esp. to appear in court. To hold (a person) for trial; to turn (a defendant) over to a sheriff or warden for imprisonment pending further judicial action.

Bond - An obligation; a promise. A written promise to pay money or do some act if certain circumstances occur or a certain time elapses; a promise that is defeasible upon a condition subsequent; especially an instrument under seal by which (1) a public officer undertakes to pay a sum of money if he or she does not faithfully discharge the responsibilities of office, or (2) a surety undertakes that if the public officer does not do so, the surety will be liable in a penal sum.

Capias –Any of various types of writs that require an officer to take a named defendant into custody. A capias is often issued when a respondent fails to appear or when an obligor has failed to pay child support. This is also often synonymous with a warrant.

Community Supervision – Placement of an offender under supervision for a specified length of time, as ordered by a court, with court-imposed rules and conditions. Community

supervision may be ordered for misdemeanor or felony offenses and is generally imposed instead of a jail or prison sentence.

Conditional Discharge – The defendant has no finding of guilt. The court is discharging him/her from trial on special conditions that they must abide by. If they do not abide by these conditions, the discharge may be revoked and the finding may become guilty.

Dead Docket – Charges dropped/no further action taken, it is usually attached to other charges that the offender plea-bargained on.

Declined - DA Declined to Prosecute. Not enough evidence to take to grand jury.

Deferred Judgment - The defendant has no finding of guilt. The judgment is set-aside for a deferred amount of time and the defendant must comply with any conditions give to him/her. The case can be dismissed depending on the county/state if defendant completes all requirements.

Discharged - Any method by which a legal duty is extinguished; especially the payment of a debt or satisfaction of some other obligation. The dismissal of a case. The canceling or vacating of a court order. The release of a prisoner from confinement.

Dismiss - To send (something) away; specifically to terminate (an action or claim) without further hearing, esp. before the trial of the issues involved. To release or discharge (a person) from employment.

Dismissal with prejudice – A dismissal, usually after adjudication on the merits, barring the plaintiff from prosecuting any later lawsuit on the same claim. If, after a dismissal with prejudice, the defendant in the later suit can assert the defense of res judicata.

Dismissal without prejudice – A dismissal that does not bar the plaintiff from refiling the lawsuit within the applicable limitations period.

Dismissed – To terminate a case or some part of it.

Diversion – A deviation or alteration from the natural course of things; esp., the unauthorized alteration of a watercourse to the prejudice of a lower riparian owner, or the unauthorized use of funds.

Diversion program - A program that refers certain criminal defendants before trial to community programs on job training, education, and the like, which if successfully completed may lead to the dismissal of the charges.

Double Jeopardy Clause - The Fifth Amendment provision stating "nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb".

Expunge – To erase or destroy (example: the trustee wrongfully expunged the creditor's claim against the debtor). To declare (a vote or other action) null and outside the record, so that it is noted in the original record as expunged, and redacted from all future copies.

Expungement of record - The removal of a conviction (especially for a first offense) from a person's criminal record.

Felony – A felony is considered a more serious criminal offense. Generally, a felony conviction may result in incarceration or supervised release (probation or parole) equal to or greater than 12 months. Check the case record and local jurisdiction for a particular offense to ensure if your state law classifies the offense as a felony or misdemeanor.

First Offender Program – One who has never before been convicted of a crime and, hence, one generally given special consideration in the disposition of his case. For example, first offenders of less serious crimes often receive suspended sentenced or are placed on probation.

Guilty – Having committed a crime or other breach of conduct; justly chargeable with a crime; responsible for a crime or tort or other offense or fault. The work used by an accused in pleading or otherwise answering to an indictment when he confesses to the crime of which he is charged, and by the jury in convicting a person on trial for a particular crime. The connotation of such work is "evil," "wrongdoing," or "culpability."

Guilty in Absentia - The jury has found the defendant guilty without his having appeared in court.

Inactive Docket - Resulting in no conviction.

Innocent – The case resulted in a finding of the court or a jury that the subject was not guilty of the offense.

Misdemeanor - A misdemeanor is less serious than a felony. In some instances felonies are reduced to a misdemeanor during plea agreements or where the facts do not support a felony. Generally, a misdemeanor conviction may result in incarceration or supervised release (probation or parole) less than 12 months. Check the case record and local jurisdiction for a particular offense to ensure if your state law classifies the offense as a felony or misdemeanor.

Misdemeanor Intervention Program - A program designated only for misdemeanor offenses in which the defendant may comply to the conditions of the program in order to avoid a conviction.

No Bill – This phrase, endorsed by a grand jury on the indictment, is equivalent to “not found”, “no indictment”, or “not a true bill”. It means that, in the opinion of the jury, evidence was insufficient to warrant the return of a formal charge.

No Papered - The paperwork was never sent to the court by the District Attorney and the case was never filed. Therefore, it was never brought to trial.

Nolle Contendere or No Contest – Where the defendant does not dispute that the prosecutor can prove the facts as alleged and does not dispute or contest the facts, and as such enters a no contest plea, which most courts consider the equivalent of a guilty plea. Defendants often enter this type of plea versus a guilty plea to preserve rights to appeal the conviction without having to have admitted to the crime.

Nolle Prosequi – Lat. A formal entry upon the record, by the plaintiff in a civil suit, or, more commonly, by the prosecuting attorney in a criminal action, by which he declares that he “will no further prosecute” the case, either as to some of the defendants, or altogether. The voluntary withdrawal by the prosecuting attorney of present proceedings on a criminal charge. Commonly called “nol pros”.

Nolle Prose - Latin for "Not Prosecuted". This means there was not enough evidence to convict the defendant. The case is dropped.

Not Guilty – Plea entered by the accused to criminal charge. If the defendant refuses to plead, the court will enter a plea of not guilty. Also, the form of the verdict in criminal cases where the jury acquits the defendant; i.e. finds him “not guilty”. For defense of not guilty by reason of insanity.

Pending - Begun, but not yet completed; during; before the conclusion of; prior to the completion of; unsettled; undetermined; in process of settlement or adjustment. Awaiting an occurrence or conclusion of action, period of continuance or indeterminacy. Thus, an action or suit is “pending” from its inception until the rendition of final judgment.

Prayer for Judgment - Deferred Prosecution, meaning state did not prosecute. Often seen in North Carolina. For example, with worthless checks it gives the defendant a chance to pay the check before being charged.

Pre-trial Diversion or PTD – A system of recent origin by which certain defendants in criminal cases are referred to community agencies prior to trial while their criminal complaints or indictments are held in abeyance. The defendant may be given job training, counseling, and education. If he responds successfully within a specified period the charges against him are commonly dismissed.

Pre-Trial Intervention or PTI – A program that diverts selected criminal defendants from the normal prosecution process in order that they can be rehabilitated and returned to the community as productive citizens with no criminal record. Upon successfully completing the PTL program the pending criminal charges are dismissed.

Quash – To overthrow; to abate; to vacate; to annul; to make void.

Returned Unserved - The case has not been to trial at this time. Found in North Carolina. A warrant, summons or paper from the district attorney's office was issued for delivery to the defendant to appear for trial; however, the defendant could not be located. Therefore, the case is technically pending, however, the paperwork was never served.

STET Docket - Will not prosecute at this time. Eligible to be re-opened for one year if a violation is committed during that time. After the one-year period and no violations have been committed, it cannot be re-opened and the case is closed.

Suspension of Sentence – This term may mean either a withholding or postponing the sentencing of a prisoner after the conviction, or a postponing of the execution of the sentence after it has been pronounced. In the latter case, it may, for reasons addressing themselves to the discretion of the court, be indefinite as to time, or during the good behavior of the prisoner.

Vacate – To annul; to set aside; to cancel or rescind. To render an act void; as, to vacate an entry of record, or a judgment. As applied to a judgment or decree it is not synonymous with “suspend” which means to stay enforcement of judgment or decree.

Waived - Mainly found in the state of North Carolina. This means the defendant has waived his/her right to trial and has pled guilty to the charges. In turn, the court accepts the plea of guilt.

Warrant – A written order of the court which is made on behalf of the state, or United States, and is based upon a complaint issued pursuant to statute and/or court rule and which commands law enforcement officer to arrest a person and bring him before magistrate.

Withdraw – Resulting in no conviction.

### **Additional Abbreviation Resources**

[FBI codes](#)

[Common Police Terms](#)

[Other Abbreviations](#)

