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Criminal Background Screening of Navy Recruits

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This paper reports the results of the National Agency Check/Local Agency Check/Credit Check (NACLC) Pilot Study initiated by the Assistant Secretary of the Navy (Manpower and Reserve Affairs). The project was designed and executed by the Commander, Navy Recruiting Command (CNRC), in coordination with the Defense Security Service (DSS), to conduct criminal background investigations on a selected sample of enlistees. The DoD's security screening system has been under attack for failing to identify and discharge enlistees with criminal backgrounds. The principal weakness is that the Entrance National Agency Check (ENTNAC) does not generally have access to juvenile records, and many arrests or convictions go undisclosed (Philpott, 1997). In a study of juvenile and adult arrest records of recruits from California, Florida, Illinois, Michigan, and Texas, Flyer (1998) reported that 30% of recruits enlisted with a misdemeanor or felony arrest and 10% of recruits failed to disclose their arrest history. Yet, the ENTNAC/FBI file search identified only 2-5% of recruits as having an arrest in their background.

The Navy has employed several methods for obtaining pre-service arrest histories, depending on security clearance level and criminal waiver status of the enlistee. (1) An FBI name search of the Interstate Identification Index (Triple-I). This Entrance National Agency Check (ENTNAC) is conducted on all enlistees. (2) For reinvestigations and clearance upgrades, the National Agency Check (NAC) searches the FBI Fingerprint Identification Records System (FIRS) in addition to the Triple-I index. This access level has been required for approximately 5% of enlistees (veteran re-enlistments). (3) Recruiters request PRCs from local, county, and state law enforcement agencies. The availability of records varies by jurisdictions according to agency policies and required costs. PRCs are required for non-high school diploma graduates (NHSDGs), nuclear field (NF) entrants, and enlistees who require a waiver for self-disclosed law violations. (4) The Local Agency Check (LAC) is conducted by regional DSS agents who initiate city, county, and state PRCs. Currently utilized for clearances above SECRET, a new investigative standard incorporates the LAC and Credit Checks (CCs) into the NAC (NACLC). This new standard for Confidential or higher clearances may be required for approximately 50% of Navy enlistees and 90% of sailors by the end of their first term of enlistment.

The Navy has considered implementing NACLC investigations for all enlistees. The advantages of expanding background investigations to all recruits include increasing the detection of criminal records, reducing unsuitability discharges, and relieving recruiters from conducting Police Record Checks (PRCs). The disadvantages include increasing enlistment processing time and cost.

The objectives of the study were to (1) determine the reliability of Navy recruits' self-reports of pre-service law violations by comparing the results of the enlistees' security questionnaires (SF-86/EPSQ) with the results of local and national arrest record checks; (2) determine the effectiveness of expanded enlistment background checks to discover arrest records, as compared to current screening procedures; and (3) assess the logistical feasibility of conducting national and local law enforcement investigations at enlistment. The primary measure was the time to complete the NACLC investigations versus time in the Delayed Entry Program (DEP) prior to shipping. Another measure was the degree of agency cooperation and completeness of arrest record checks.

Procedures

From July through August 1997, all Navy Recruiting Districts (NRDs) submitted requests for NACLC background investigations on NF and NHSDG applicants enlisting in the DEP. NHSDGs were targeted in the pilot study because they have higher rates of pre-service law violations and drug use. NF applicants were included because they are subject to more stringent law violation standards and require a SECRET clearance at enlistment. The study sample ($N = 298$) consisted of 178 NF and 120 NHSDG enlistees. As compared to total FY

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1996 enlistees, the sample had significantly lower proportions ($p < .05$) of criminal enlistment waivers (5% vs. 10%), females (9% vs. 15%), and African-Americans (10% vs. 21%). The sample had significantly higher proportions of high aptitude enlistees and recruits from the Southeast region.

Recruiters prepared the Questionnaire for National Security Positions (SF-86) or the Electronic Personnel Security Questionnaire (EPSQ), FBI Fingerprint Card (FD Form 258), and NACLC Pilot Study cover sheet. PRCs were submitted to local, county, and state law enforcement agencies for all jurisdictions in which the enlistee had lived during the prior three years. Completed PRCs and those not returned by police agencies after 60 days were forwarded to CNRC.

Military Entrance Processing Stations (MEPS) processed all NACLC Pilot Study cases as NACs, including enlistees in ratings/programs that do not require security clearance. Applicants' fingerprints were recorded on FD Form 258 and the enlistment application was sent to DSS, Baltimore, MD. DSS conducted the ENTNAC/NAC, including a check of the Defense Central and Investigations Index (DCII), the CC, and the LAC investigations. For enlistees requiring SECRET clearance, the Department of the Navy's Central Adjudication Facility (DONCAF) processed the results of the NAC and LAC investigations. The Military Personnel Security Division (PERS-81) screened all cases at the Bureau of Naval Personnel.

Along with enlistees' SF-86/EPSQ applications, CNRC forwarded the completed PRC, NAC, CC, and LAC investigations to the Navy Personnel Research and Development Center (NPRDC). NPRDC developed procedures to encode the raw data into an electronic database. This included data elements from the SF-86/EPSQ security application, background data from the Personalized Recruiting for Immediate and Delayed Enlistment (PRIDE) reservation system, and results of the various arrest record checks. Law violations from the four sources (SF-86, PRC, NAC and LAC), and the results of the CC, were assigned codes adapted from a typology developed by Wiskoff and Zimmerman (1994).

Results

Figure 1 classifies enlistees with arrest records into one of three groups according to the following order of precedence: (1) Six percent of the total sample were found to have arrest records that were not disclosed on security applications. This is a smaller proportion of non-disclosures as compared to Flyer's (1998) DoD recruit sample that included 10% non-disclosures. Three of the five felonies were not reported, with the remaining non-disclosures split between minor and major misdemeanors. (2) Seven percent of the sample self-reported arrests that were also discovered by one or more of the criminal record checks. (3) An additional 8% of the sample had self-disclosed law violations that were not discovered by the PRC or NACLC investigations.
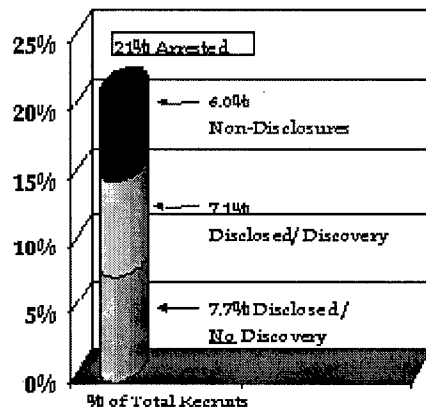
Figure 1. Self-Disclosed and Non-Disclosed Law Violators

Flyer (1998) reported that over 30% of DoD recruits had an arrest background. The NACLC Pilot Study found 21% of the Navy sample to have an arrest history, including 15% of self-disclosed recruits. In fact, 71% of enlistees with arrest records were self-reported. This does not include cases where the recruit disclosed an arrest(s) but failed to disclose others -- these cases are counted among the 6% of non-disclosures.

NHSDGs had double the NF rate of pre-service criminal history -- a significantly higher proportion of arrests (30% vs. 15%). NHSDGs also had 6 of the 7 felony arrests. In addition, a significantly higher proportion of non-grads (10%) did not admit to pre-service arrests. Only 3% of the NFs failed to disclose arrests, including one felony, on their SF-86.

As shown in Figure 2, a total of 118 disclosed and non-disclosed arrests were reported from the investigative sources. The majority (52.5%) of offenses were minor misdemeanors, including in order of frequency: illegal possession of alcohol/open container/public intoxication, trespassing, vandalism, disorderly conduct, curfew violation, malicious mischief, disobeying summons, fish and game violations, false information to a police officer, disturbing the peace, vagrancy or loitering, failure to pay fine, and violation of fireworks laws. Major misdemeanors (40.7%) included: petty larceny (e.g., shoplifting), simple assault

and battery, weapons violation, drug possession, fraud, threats/intimidation, driving under

the influence, hit and run driving, reckless driving, breaking and entering, and indecent exposure. Only 6.8% of the law violations were juvenile or adult felonies (N = 8 arrests): burglary, grand larceny, drug trafficking or sale, and aggravated assault.
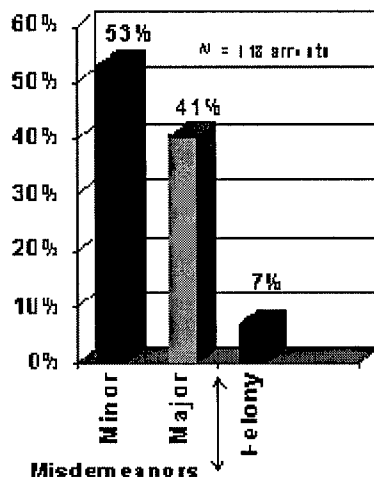
Figure 2. Types of Criminal Offenses

Table 1 compares the results of the four sources of criminal background information. The enlistees provided the most complete arrest data on their SF-86 application. Seventy percent of all criminal incidents ($N = 118$) were reported by recruits. The LACs were the second most productive source, discovering 67% of total arrests. This reflects a larger degree of cooperation between law enforcement agencies as compared to recruiter requests for PRCs. The limited receipt of state juvenile and adult records afforded the NAC resulted in the least productive investigations. Only 8% of arrests were identified by the FBI file search. Surprisingly, only 1 out of the 8 reported felonies was discovered by the ENTNAC/NAC. The table's bottom row shows the ratio of arrest discoveries to sample size in order to compare the productivity of the PRC to the other investigations. The recruiter-administered PRCs were significantly less productive.

Table 1

Law Violations Reported by Source

	Source of Arrest Information			
Violation Level	SF-86	PRC	LAC	NAC
Minor Misdemeanor	45	13	41	4
Major Misdemeanor	34	9	32	4
Felony	4	1	6	1
Total Arrests	**83**	**23**	**79**	**9**
N Enlistees in Sample	298	155	298	298
Ratio: Arrests to *N*	**.28**	**.15***	**.27**	**.03***

*PRC: significantly lower rate of arrest discovery than LAC and SF-86 ($p < .01$).

*NAC: significantly lower rate of arrest discovery than PRC, LAC, and SF-86 ($p < .01$).

Table 2 compares the incremental contribution of arrest discovery for the investigations subsequent to the enlistees' SF-86 self-reports. This analysis is performed on the sample with complete PRC data to allow a direct comparison between the PRC and the NAC/LAC.

In addition to 55 arrests reported by the enlistees, the PRC discovered only 3 additional arrests. DSS's Local Agency Check, on the other hand, found an additional 21 arrests. Only the LAC resulted in a significant increment in arrest discoveries. Given a total of 79 unique arrests, the NAC/LAC accounted for 92% of the arrest discoveries that were incremental to the SF-86.

Table 2

Arrests Discovered in Addition to SF-86/Self-Disclosures[a]

Type of Discovery	SF-86/ Self-Reports	Number of Arrests Incremental to SF-86[b]		
		PRC	NAC	LAC
Minor Misdemeanor	29	2	1	11
Major Misdemeanor	22	1	1	9
Felony	4	0	1	1
Total	**55**	**3**	**3**	**21***

[a]N = 155 enlistees (PRC data sample).

[b]Arrests not reported by enlistee on SF-86.

*Statistically significant (p ≤ .001) increase in arrest discoveries.

The NACLC enlistment materials took an average of 13 days to complete MEPS processing and arrive at DSS. DSS completed 50% of the NAC/LAC/CC investigations in 36 days, 75% in 44 days, and 95% in 62 days. The processing time from DSS completion through DONCAF/Pers-81 was a mean of 16 days. The total time between recruiter initiation of NACLC processing and PERS-81 completion averaged 68 days (N = 203). While the median NACLC processing time was 65 days, the median time from recruiter to shipping or projected shipping was only 76 days. NHSDGs shipped the fastest (50% by 23 days), while the median time to shipping for NFs was considerably greater at 105 days. Nonetheless, 32% of the NFs shipped or were projected to ship before their NACLCs were completed. In the NHSDG group, 62% shipped before their investigations were complete.

Conclusions

The generalizability of the findings is limited by several sample characteristics. First, the sample was not representative of Navy enlisted personnel on aptitude, education, race, gender, and criminal waiver. Secondly, less than one-third of the target sample was available for analysis. It is not known if the missing cases are related to the additional logistical and administrative requirements of NACLC procedures. While there were no significant differences in composition between the analysis and target samples, it is possible that some systematic procedures affected outcomes. (Additional analyses of the complete NACLC sample are being conducted by DSS.) Thirdly, recruiters completed PRCs for only half of the cases. The sample with PRC data had a higher rate of arrest (discovered by other investigative sources) which compromised some findings.

Despite shortcomings in the execution of the study, several conclusions are warranted. Navy enlistees' self-reports of law violations were largely reliable. The majority (71%) of recruits with an arrest record reported all incidents on their security questionnaires. This finding is consistent with the literature that supports the reliability of biographical inventories for pre-employment screening. On the other hand, 6% of the sample did not accurately report their arrest history. Personnel security issues notwithstanding, this is a disturbing result since arrest is one of a small number of biodata items that are verifiable.

In addition to self-reported arrests, only the LAC provided a significant number of arrest discoveries. The PRC and NAC did not result in significant incremental discoveries. The failure of the FBI file search to identify known records of arrest provides support for the proposed use of state and local record searches to identify enlistees with criminal backgrounds.

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