

What Churches Need to Know about Background Investigations

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How well do you really know your friends, acquaintances, neighbors, co-workers, and the people you meet through church, work, hobbies, and activities?

Most of us would have to admit that, aside from our closest friends, we don't know them very well.

Over the last 100 years, we have become increasingly unfamiliar with one another. It was more than fifty years ago, in 1972, when **Vance Packard** published his bestseller, *A Nation of Strangers*. He correctly noted that we have grown increasingly isolated due to higher mobility, mainly from relocating for jobs across the country. This increased mobility broke apart communities and families, raised the stresses we face, and strained our support systems. We have become much more isolated and lonelier than ever before.

A hundred years ago, people in a community knew each other very well. They didn't just know you; they knew your brothers and sisters, your parents, your grandparents, your cousins, aunts, and uncles, and what you liked and disliked. They knew everything about you, and you knew them. Three or four generations of family members, including all of the extended family, lived within a few miles of each other. That's not true today. Many people we encounter every day are total strangers, even if we work with them regularly. Oftentimes, all we know is what people choose to show us.

Our Superficial Relationships

Despite all the technological advances—such as the Internet, FaceTime, Zoom, and relatively inexpensive airfare—we remain distant from one another.

The estrangement has impacted our entire culture, including our workplaces, schools, and churches. And therein lies the problem. We have no idea who we're working with, who attends and works at our children's schools, or who sits next to us in church. That's not good.

Consider **Dennis Rader**, also known as the BTK killer. He was a deacon and president of the church council at Christ Lutheran Church in Wichita, KS, for years before he was finally caught and exposed as a serial killer. He was a sexual psychopath, yet the members of his church elected him as council president. Presumably, he was well-liked. How did they miss this dark side of him?

We often misjudge people, mainly because we have such superficial relationships these days. And we do not seem motivated to change. Do we even recognize that strangers surround us?

Some time ago, I contacted a reference for a man who had started attending our church after moving from another state. He had applied to serve in one of our ministries. The reference was an assistant pastor at a large church who had led the ministry where this individual had previously served. Additionally, the pastor had been the man's small group leader for over a year. There were eight members in his group, and they met weekly for about an hour. The pastor described the applicant as a responsible, trustworthy man who would be a good example for others. He stated that the man was very reliable, consistently attended the small group, and diligently fulfilled his responsibilities in the ministry.



“Did he ever talk about his marriages?” I asked. “No,” he said. He had no idea he had been married, much less that he had been married and divorced twice. He did not know how many children he had, or even that he had children. He had no idea what he did for a living, that he volunteered for years as a youth coach for a community program, that he had been in the military.

He didn’t know the man at all.

In most cases, references are just asked for recommendations without any effort to determine how well they know the person.

At least we now conduct background checks on those working with our kids. Sadly, this is less about our desire to know the people in our churches or caring for children and more about meeting the requirements of our insurance providers. The checks we conduct offer little real insight into those serving in our ministries. However, knowing who is serving in our ministries is the most effective way to protect our children and our entire church.

Are we really protecting children with these investigations? The answer is no.

The whole idea of a background investigation is to gain meaningful insight into a person. What drives them? What are their interests? How do they spend their time and money? Who are their friends? What do they believe? What are their strengths and weaknesses? What challenges are they facing now? How have they handled challenges in their past? How do they treat people—their family, their superiors, their subordinates? What are their virtues and vices?

The only thing most churches do is a criminal check and a check of the sex offender registry. Maybe they ask a few questions of a small number of references. These kinds of checks have minimal value. In fact, most predators will slide right through even more elaborate background checks untouched. Less than 2% of predators are identified and screened out by the types of investigations currently conducted.

Background investigations have become a commodity, but they are a commodity that has processed out the information we need to make informed decisions. We do not need commodity brokers to manage background investigations. Churches need skilled collectors who can find the monuments and wreckages in a person’s past, and analysts who can interpret the meaning of what they see in a background investigation. The background investigations, themselves, need to be expanded to gather more, and more meaningful, information.

Background investigations form the core of every type of investigation. The same basic principles apply whether you are investigating a person, a company, a property, or an industry. The primary difference lies in the sources of information, even though they often overlap. For example, a company is made up of people, a property has been owned and used by people, and an industry consists of multiple companies. The ultimate goal of all investigations is the same—or should be—namely, understanding.

Humans are complicated. We can’t reduce them to just one or two traits to decide if they’re safe around children or good role models. Being free of a criminal conviction and not listed on the sex offender registry doesn’t tell you much.

Dennis Radar, the BTK killer, who I mentioned earlier, tortured and killed 10 people; John Wayne Gacy, the lovable clown raped, tortured, and murdered 33 young men then buried them in the crawl space of his house; Jeffrey Dahmer, the Milwaukee serial killer murdered 17 people, and ate parts of some; all before ever being caught and convicted of anything even once. The same applies to hundreds of other serial killers and hundreds of thousands of prolific child molesters who have never been caught.

The fact is that most people who sexually exploit children, indeed 98% of them, never get caught and convicted. Ever.

We have to change what we are doing.

Weaknesses of Criminal Checks

When examining the typical background investigation, which includes a criminal check and a sex offender registry check, significant gaps are evident. The checks do not include all criminal records. Some counties do not provide convictions to background investigation firms. But a bigger issue is that misdemeanor convictions and arrests are often overlooked.

The EEOC does not permit employers to inquire about arrests that did not result in convictions. However, in most states, you can still collect and review arrest information for employment purposes. Additionally, EEOC regulations do not apply to volunteer positions at churches or other religious organizations. Convictions for felonies or misdemeanors are not off-limits in employment decisions. However, you cannot ignore misdemeanors.

Misdemeanor convictions may have originally been charged as felonies that were reduced for convenience. Or they might have been filed as grave offenses, such as violent or sexual felonies against a child, that later got downgraded to a misdemeanor.

One man I investigated was allowed into ministry despite having a misdemeanor conviction for causing mental harm to a child, at least that is what he pleaded guilty to. The original charge was a felony—repeated sexual assault of a child. The defendant kept delaying the trial. In the meantime, a crucial piece of evidence—the video recording of the child’s initial interview—somehow became corrupted and unusable. Rather than risk losing at trial, the prosecutor agreed to a non-sexual misdemeanor so the offender would not have to register as a sex offender. This man should never have been permitted to serve around children.

This is not the only problem with criminal history checks. Most do not include federal crimes or offenses related to the military. Additionally, crimes might be missed if they occurred before records were digitized, if the person changed their name (formally or informally), or if they altered their date of birth or social security number.

Another significant issue is that many crimes are not charged criminally. Most cases presented to prosecutors, both state and federal, by various police agencies are rejected for prosecution. The victims pursue some of these cases as civil matters. This occurs for several reasons: the lower standard of proof, the statute of limitations has expired, or the prosecutor declines to take the case because they believe a civil remedy is more appropriate. This last reason is often used to dismiss the prosecution of financial crimes—such as fraud, embezzlement, and theft. It is also used in cases where the prosecutor feels they cannot win, especially when a key witness or evidence is considered weak.

In addition to civil and criminal records, there are also databases of administrative actions related to allegations of abuse. BishopAccountability.org monitors claims and actions against clergy and lay members of the Catholic Church. The nonprofit National Association of State Directors of Teacher Education and Certification, known as the NASDTEC Clearinghouse, tracks problem teachers. Some State Departments of Children and Family Services allow child-serving organizations to access the child abuse and neglect database for indicated cases of abuse or neglect.

Most churches do not review civil filings or other privately kept abuse records. Imagine what is being overlooked, especially on the criminal side.

Checking civil records and expanding the practice of interviewing references, former employers, and other individuals identified through the investigative process is precisely what organizations need to start doing. This will be more expensive than what most organizations are used to spending, but it is essential if you want to protect children and truly safeguard your entire congregation.

Background Investigations

Background investigations start with the application. You can use the same application for employees and volunteers since they should include the same basic information. The application should include:

1. Applicant Information to include

- a. Full Name, any alias, addresses for the last 15 years at least, phone, email, driver's license, Social Security Number, place of birth, etc.
- b. Position applied
- c. Worship history, frequency of attendance, when and where baptized
- d. Questions about citizenship, convictions of crimes, orders of protections, allegations of child abuse, any action—civil, criminal, administrative or disciplinary proceeding that involved allegations of abuse, sexual abuse, assault, battery or violence of any kind, history of mental illness, history of addiction (or excessive use) to alcohol, drugs, pornography, and any history of being asked to leave or been removed from any organization or ministry.
- e. Marital Status
- f. Spouse
- g. Children's names and dates of birth
- h. Hobbies and interests
- i. Questions:
 - i. Happiest moment
 - ii. Saddest occasion
 - iii. Greatest success
 - iv. Worst failure

2. Education to include

- a. High School
- b. College and Grad School
- c. Trade Schools
- d. Professional Schools or certifications

3. References—at least three, preferably more, and should include

- a. Full name
- b. Length known and how known
- c. Nature of relationship
- d. Address
- e. Phone number
- f. Email

4. Church Attendance History to include the last 15 years at a minimum, and should include

- a. Church name and address
- b. Ministries in which involved
- c. Small Groups and leader's contact info
- d. Reason for leaving

5. Employment History to include

- a. Current Employer and past five employers
- b. Addresses
- c. Job titles and responsibilities
- d. Dates and reason for leaving
- e. Supervisors and contact information

6. Military Service to include

- a. Branch
- b. Rank at Discharge
- c. Type of discharge (if other than honorable, explain)
- d. Must submit DD214

7. Signature certifying truth and completeness of answers and an acknowledgement that they understand that false or misleading statements would result in release

Each application needs to include a separate hold harmless agreement that includes the following:

1. An authorization for the church and/or its agent to perform a comprehensive background investigation that will include:

- a. Obtaining credit reports
- b. Interviewing reference, employers (past and present), coworkers, neighbors, educators, and other people identified as having information that might be pertinent to the investigation
- c. Verify current and former address
- d. Confirm educational background
- e. Examine driving record
- f. Check local, state, and national criminal histories, sex offender registries, and statewide child abuse reporting records
- g. Examine any applicable court or other government records

2. A release from any liability for those involved in the investigation, including the church or its agents, and anyone who provides information to the investigators, as long as the information is truthful to the best of their knowledge.

3. An authorization to any person or agency to release any information that is restricted by policy or law, as long as it is provided to assess the suitability to hold a position of trust.

4. Further identifying information, including date of birth, sex, and race.

The applicant and a witness should sign this document.

Depending on the size of the organization and the number of people who need to be investigated, at least one person should be designated to manage these investigations. This does not mean that the person must handle every part of the investigation. In fact, I don't recommend it. One person should coordinate all activities and ensure that the findings are properly documented, reviewed, and filed. Ideally, the individuals in the ministry where the applicant will serve or work should conduct the majority of the investigation. Particularly, those working together should know each other very well.

Criminal Checks — Options

Most organizations are already performing criminal checks using various available services. That might be the most cost-effective way to do them, despite some limitations. There are other options. In some states, you can send name check requests directly to local or state law enforcement agencies for a fee. In Illinois, the cost ranges from \$15 to \$20. That check only covers convictions within the State of Illinois. If you want them to expand the check to the FBI records, the cost is between \$29 and \$34.

Another option is to subscribe to a service like Lexis/Nexis, which allows you to perform those national checks yourself, albeit with limitations. However, it also provides many other investigative resources at no extra charge.

At a minimum, you should also check the criminal court filings in the federal court. Creating an account is relatively simple and inexpensive. You can register for an account here: [**https://pacer.uscourts.gov/register-account**](https://pacer.uscourts.gov/register-account)

Once registered, you can view civil, criminal, and bankruptcy cases simultaneously or separately by type and jurisdiction. Most cases offer access to all filings for a fee, of course.

The most reliable criminal check involves live scan fingerprints. Most states permit fingerprint submissions to verify against state and federal criminal records. For specific individuals in your organization, this would be the preferred method. In Illinois, the state charges \$28.25, but you also need to pay the vendor who captures and submits the prints. That usually doubles the cost.

You can save money by purchasing the equipment yourself and training to take and submit the prints, but you need to have a sufficient volume to justify the investment, as the equipment costs several thousand dollars.

Theoretically, if you perform a thorough criminal check, you should identify any convictions for a sex offense. However, due to the limitations of all criminal checks, you might miss some cases. These limitations make it essential also to review the sex offender registries. Begin with the Dru Sjodin National Sex Offender Registry maintained by the DOJ: [**https://www.nsopw.gov/**](https://www.nsopw.gov/)

Not all sex offenders are listed. Some offenders are only required to register for a limited period of time. Some committed the offense before the registry existed. Nevertheless, a check of this registry is a must.

I also recommend that you check each jurisdiction where the applicant lived or had any connection. An easy way to find other sites is directly on the DOJ site itself: [**https://www.nsopw.gov/en/Registry/AllRegistries**](https://www.nsopw.gov/en/Registry/AllRegistries). This page provides links to every state, territory, and tribe that maintains registries.

Effective background investigations need redundancy. What isn't uncovered in one source might be found in another. Real life is far from the TV image of digging into someone's history. In a typical detective show, an agent runs a name through a magic database and retrieves everything about the person: their birthplace, military assignments, spouses, children, medical history—everything about them. No such database exists.

Besides checking criminal history, you also need to review civil records. Some of these records are included in the consolidated reports you receive from providers like Lexis/Nexis, but most are not. At a minimum, you

should examine the documents from the counties. Orders of protection are a type of case that does not appear in criminal records, but is essential to be aware of. They are civil cases filed in court, and only when someone violates an order of protection does it become a criminal case.

For civil records review, you should check at least the county courts in each jurisdiction where the person has lived over the past 15 years. In most jurisdictions, you can view basic case information, including parties, attorneys, the docket sheet, and the final disposition. Many jurisdictions, such as federal courts, also allow you to access copies of the actual filings online. However, some records are not available online, and you may need to visit the court clerk's office in person to review the files. At a minimum, you should review the docket sheet, the complaint and any amendments, responses, and the final judgment. There may also be other documents you should consider reviewing.

When examining a person's background, you need to accomplish two things: assessing risk and gaining insight into the individual. A single case file won't tell you everything about the person, but it provides a glimpse. Consider the implications of each piece of information and how they fit together throughout the investigation. What larger picture can you see from this one case?

There was a personal injury case I worked on many years ago that I can use as an example. A man sued the manufacturer of a wood chipper he owned for personal use. One day, he was feeding branches into the wood chipper when the outflow became jammed. Despite the prominent warning next to the outflow opening that stated 'do not place any part of your body or clothing next to the outflow while the machine is running,' the man attempted to clear the jam with his leather-gloved hand. A tooth of the chipper caught his glove, pulling his hand into the machine. Needless to say, he lost his hand. The man sued the company, claiming he was not warned about the explicit consequences if he failed to heed the warning. He lost.

What does this say about the person? Does it indicate he will take responsibility for his own actions? Is he inclined to follow instructions?

Everything a person does and says, every decision they make, every dollar they spend, and every moment of activity they pursue reveals something about that person. Instead of just focusing on these details, consider what they imply.

Ben Gilad, in his book *Business Blindspots*, recounts an example of assessing implications. Sometime in late 1987 or early 1988, a representative of a large South Korean trading company received a significant order for uniforms from the Iraqi military, around 200,000 new uniforms, as I recall. Instead of just filling the order and returning to his usual routine, the rep considered the implications. At the time, Iraq was engaged in a war with Iran that had been fought to a stalemate a couple of years earlier. After considering the implications of the order, the salesman sent a message back to his headquarters in Seoul. He said that the order for 200,000 uniforms indicated that Iraq was planning to expand its army by 100,000 troops, since each soldier was issued two uniforms. This expansion most likely indicated that Iraq was planning a major offensive in the war within a few months.

Because of his insight, the sales representative recommended that Iraqi defense officials be contacted to sell them everything from body bags to automatic weapons and ammunition to field cannons. A few months later, the Iraqis did, indeed, launch a full-scale assault into Iran.

This is how we should interpret the events in someone else's life. What do these events mean? To some extent, it's speculation, so you shouldn't go overboard with it. However, it can also provide insights that could serve as topics for a conversation with someone you need to know better.

If you cannot go to the court yourself, you can always hire a court checker. This is necessary if the court is far from your location.

The site to check for every state and county that has online court records has been conveniently provided by BRB Publications here: <https://www.brbpublications.com/>. They also have a list of court record checkers in every state and just about every county. Members of the Public Record Retrievers Network can be found here: <http://www.prrn.us/content/Search.aspx>

One of the newer opportunities for insight is social media. You can gain significant insight into someone by examining their Facebook, Instagram, X, LinkedIn, Reddit, and other social media accounts. Watch any channels they have on YouTube, Rumble, or others.

One of the most time-consuming parts of a background investigation is conducting interviews. Interviews are also the most crucial element of the entire process. When done correctly, each interview should be a conversation of discovery. Avoid using canned checklists of questions that only produce superficial insights.

Almost everyone vetting staff or volunteers who work with children asks a question like “Would you trust this person to take care of your own children?” However, this question doesn’t provide much valuable insight into the person. Child sexual predators are skilled at earning trust, so such a question usually doesn’t help you learn more. It’s a yes-or-no answer that provides no real understanding. Even if you ask why or why not afterward, it still doesn’t effectively screen out the bad guys.

A better line of questioning would focus on whether they have observed the person with their own children or with other kids. What did they notice during those interactions? Do they share secrets with the kids? Explain. Do they treat children like little adults? Are they age-appropriate in their interactions with children?

All of these will give you more insight. Essentially, there are three areas you should focus on.

First, does the person tend to be self-serving or self-sacrificing? Get the details. How does the applicant handle failure? Do they tend to blame others when things go wrong? Do they brag about victories, or are they humble about their successes? Remember that self-sacrifice is not necessarily demonstrated by what a person says or even does. Doing good does not automatically mean being good. You are looking for indicators of motivation.

Second, look for signs to determine if the person is exploitative or supportive. How does the person treat his superiors, peers, and subordinates? Does he treat them differently? If so, how? Is she fawning over her boss and being abusive to subordinates? Is he manipulative? Does she encourage others or put them down? Is he friendly in person but undermines people behind their backs?

Finally, ask questions to determine if the person is empathetic or uncaring. How have they responded to local or national tragedies? How do they deal with personal loss or the loss of a coworker?

The specific questions you ask each person you interview depend on the nature of their relationship with the applicant. How long and how well did they know him? In what context? Were they teammates on a local adult baseball team who saw each other twice a week during the summer? Were they their small group leader for three years? Or were they the applicant’s supervisor at work for 10 years? You need to tailor your questions to these different situations. However, the focus should be on determining where they fall on each of these three dimensions.

Self-Serving vs Self-Sacrificing

Exploitive vs Supportive

Uncaring vs Empathetic

In other words, you’re attempting to see behind the person’s public facade to understand their true character.

Putting it all Together

When you pick up the newspaper in the morning or check your email throughout the day, are you surprised when you see a well-known person has been disgraced or even arrested for scandalous conduct? It is unlikely anyone is anymore. But it doesn't have to be that way.

Certainly, scandals have occurred in the past. However, they have become increasingly out of control over the last few decades. We can change that.

There are several levels of background checks you should perform on any new employee, and these should be repeated periodically every few years. For executive-level employees, the investigation should be more thorough. Unless your organization has a professional investigator on staff (which is recommended for any organization of significant size), it is advisable to hire an outside expert to conduct these investigations. Skilled investigators are just as essential as experienced attorneys, and they may be even more critical because they are much more scarce than attorneys.

An outside investigator might charge between \$5,000 and \$10,000 or more to conduct a thorough investigation. When done correctly by a skilled professional who is adept at finding documents, conducting interviews, and spotting predatory traits, most potential predators will be screened out.

Top-tier candidates should submit their fingerprints to both state and federal authorities. Naturally, the sex offender registries should be checked. Every private database needs to be examined. County court records from all counties the individual has lived in or frequented over the past 25 years should be reviewed, and all related files should be collected. A comprehensive credit check and social security trace should be performed. In-person interviews with neighbors from the past 15 years should be conducted. References, professional associates, former teachers, mentors, small group leaders, opponents in lawsuits, and any other individuals who might have relevant insights should all be contacted.

The investigator should be required to prepare a detailed report of findings and provide all supporting documentation, including the results of criminal and sex offender registry checks, documents obtained from court, government, or private agency filings, and detailed interview reports.

The second tier of background investigations involves the director, manager, and supervisor levels. You should be prepared to spend between \$2,500 and \$5,000 for this group. Records for every county they have lived in or frequented over the last 15 years should be checked, and neighbors from the past 10 years should be interviewed. You could hire a professional to conduct criminal and sex offender checks, review private databases, credit records, and civil records on the applicant, as well as interview neighbors and witnesses in civil cases. Additionally, tier two candidates should be fingerprinted. Trained staff members could conduct interviews with past employers and references.

The third tier would include the rest of the organization's paid staff. Again, if you need to hire a professional investigator, be prepared to pay between \$250 and \$500. These professionals could check criminal and sex offender records as well as civil court filings. Staff members should also be fingerprinted. Trained staff could search bishop accountability records, the teachers' database, conduct DCFS checks, and handle all interviews, including those of opponents in civil cases.

Tier four involves all volunteers, with costs estimated between \$50 and \$100. Your organization's staff can fully handle these investigations. They will need training, but once trained, you can maintain this capability through mentorship and periodic seminars conducted by outside experts. As your team's skills grow, you can start to take over the investigation of candidates for the other tiers, ultimately conducting all investigations in-house.

You can subscribe to a background investigation firm that specializes in specific commodity types, which can conduct criminal and sex offender checks across the country for a small fee. However, your staff should also

review the national and state sex offender registries. It would be advantageous for your organization to have a subscription to Lexis/Nexis for its public record database and news sources. You might also consider subscribing to TLO or a similar service. Additionally, as with others, you need to check civil records (using BRB Publications as a reference), bishop accountability, the teachers' database, DCFS filings, and, of course, conduct interviews with the references provided and other sources identified in the application or through your records searches.

Approximately every five years, a limited reinvestigation should be conducted. If someone is promoted to a higher tier, that promotion should trigger a full investigation.

The challenge for every organization is to dedicate the time and resources to these investigations. This is just one crucial aspect of reducing and eliminating abuse within our communities.

There are three additional considerations: you must have the right policies in place, tailored to the specific ministry; you need to learn how to recognize predators by their character and behavior; and you must foster a culture of protection within your organization. This culture should include ongoing training to remind everyone of what they need to know and to update them on new insights and discoveries in this constantly evolving field.

Additionally, it involves establishing a system that encourages people to report concerns, developing the capability to conduct internal investigations, and training and equipping those served so that more individuals are engaged in the effort to combat predators and protect children. Essentially, a committee needs to be established as recommended by **Charol Shakeshaft** in her book, *Organizational Betrayal: How Schools Enable Sexual Misconduct and How to Stop It*. While her recommendation is for schools, the solution applies to any child-serving organization, including churches.

She says the committee, adapted for churches, should be organized as follows:

- 1. Multidisciplinary Composition**

- Include people with a variety of backgrounds, experiences, and skills
- Avoid placing sole authority in the hands of one administrator—this reduces bias and increases transparency.

- 2. Clear Mandate and Authority**

- The committee must have the explicit authority to receive, review, and escalate concerns.
- It should not be advisory-only—it must be empowered to initiate investigations or refer cases to external agencies when needed.

- 3. Anonymous and Confidential Channels**

- Allow for anonymous reporting by anyone.
- Ensure confidentiality protections for whistleblowers to prevent retaliation.

- 4. Training and Awareness**

- All personnel should be trained annually on how to report concerns and what the committee does.
- Posters, handbooks, and digital portals should make the process visible and accessible.

5. Boundary-Specific Oversight

- The committee should be trained to recognize boundary violations, not just overt abuse.
- This includes grooming behaviors, inappropriate communication, and favoritism.

6. Regular Review and Public Accountability

- Publish annual reports (with anonymized data) on the number and type of concerns received.
- Use findings to improve policy, training, and supervision.

Currently, twenty percent of children in the United States are sexually abused by the time they turn 18, one in four girls and one in six boys. If every church implemented background investigations as outlined above, that figure could be reduced by at least half within a single generation.

It may seem costly. But isn't the cost worth it? ■

