



# Online Background Searching In Colorado—Part III

This is the final part of a three-part series of articles on conducting background searches on Colorado residents. Parts I and II covered online sources for locating contact information, public records information, and news articles or websites mentioning a person.<sup>1</sup>

This Part III focuses on online tools that can be used to search court and law enforcement records. A quick check of these records can be useful in helping researchers determine whether a potential client or party in a case has, for example, been convicted of a crime, been involved in several automobile accidents, or been named as a party in a significant number of lawsuits. The sections below provide an overview of several useful websites and Web-based research products (mostly fee-based) that provide researchers with access to information about law enforcement and court records for Colorado residents.

### Obtaining Driving Records

If the case in question involves an automobile accident or a driving-related offense, it may be useful for the researcher to obtain the driving records of one or more of the people involved. Under certain circumstances, an attorney may be able to order a person's driving record (including accident reports and traffic ticket information) from the Colorado Department of Revenue's Motor Vehicle Business Group ("Business Group").

Attorneys and others who request driving records must sign a form indicating that they have an authorized purpose for doing so. Several authorized purposes are provided on the request form. However, the authorized purpose most likely to be used by attorneys as one of the check-offs on the form states as follows: "in connection with a civil, criminal, administrative or arbitral proceeding in any court or before a self-regulatory body

including process service, investigation, execution of judgment, or pursuant to a court order."

The following website provides a link to the form that must be used to request a person's driving record: <http://www.mv.state.co.us/formspdf/2489.pdf>. The form can be printed from the website, then mailed to the Business Group or taken to a full-service driver's license office.<sup>2</sup> The fee for obtaining a person's motor vehicle record is \$2.20 for a non-certified copy and \$2.70 for a certified copy.<sup>3</sup>

Researchers may not have an authorized purpose for ordering an official motor vehicle record. In this case, they can try conducting a search of traffic records in CoCourts.com or CoJustice.com (*see below*).<sup>4</sup>

### Obtaining Colorado State Court Records

Two fee-based online research tools provide access to Register of Action sheets (essentially the same thing as docket sheets) for cases filed in most Colorado state courts: CoCourts.com and CoJustice.com. To the authors' knowledge, these are the only two products that provide access to Colorado state court dockets. Be careful not to confuse them with other online docket-retrieval products, such as PACER,<sup>5</sup> LexisNexis™ CourtLink® e-Access,<sup>6</sup> CourtExpress,<sup>7</sup> and West Dockets.<sup>8</sup>

With the exception of PACER, most federal docket-retrieval products also provide access to dockets for selected state courts (but not for Colorado's courts). CoCourts and CoJustice provide coverage of domestic relations, civil, water, and criminal cases filed in Colorado's district courts, as well as traffic, traffic infraction, civil (to \$10,000), small claims, and misdemeanor cases filed in Colorado's county courts. Cases filed in the district courts that involve juveniles or probate and mental health matters are not included in either product. Moreover, neither prod-

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uct provides access to sealed cases. Due to privacy statutes, specific personal information, such as Social Security numbers and addresses, has been stripped from the records.

The cost for searching CoCourts is \$6 per search; for searching CoJustice, it is \$5.95 per search. Researchers can search by names of the plaintiff(s) or defendant(s) in the case or by the case number. Check the following direct links to obtain information about the courts, as well as date ranges covered by CoCourts and CoJustice: <http://www.cojustice.com/Courtscoverage.htm> or <http://www.cocourts.com/public/Coverage.cfm>.

Until recently, the civil division of the Denver County Court was the only state court that was not included in these databases. However, CoCourts.com recently added Denver County Court records to its coverage. Users who perform a search in CoCourts.com will be provided with the option of searching the Denver county courts free of charge. Also free of charge are searches on the court's website: <http://www.denvergov.org/civilcourts.asp>.

It should be noted that Register of Action sheets retrieved from CoCourts and CoJustice do not contain descriptive information about the individual filings other than the type of document filed. To obtain a more descriptive Register of Action sheet, the researcher, using either the case number or case name, can ask the clerk's office for the court where the case was filed and request a copy of the official Register of Action sheet. There is a fee for obtaining the Register of Action sheet for those who are not parties to the case. The cost varies from jurisdiction to jurisdiction.

Researchers also should keep in mind that CoCourts and CoJustice do not provide access to actual court filings themselves, but merely to a docket that lists the filings. To obtain copies of the actual filings listed on the docket, the researcher must contact the court directly, either by submitting a written request or by visiting the court to obtain the documents. Contact the court to find out the correct procedures for obtaining copies of court filings.

Copies of some Colorado district and county court filings may be available online through LexisNexis File & Serve (formerly named CourtLink e-File) if they were filed electronically. File & Serve is a fee-based electronic filing service.<sup>9</sup> File & Serve, while limited in scope at this time, is adding more courts and records as time passes. Eventually, this product is expected to include all Colorado district courts statewide (civil, domestic relations, and probate cases), Denver County Probate Court, and Colorado water courts statewide. It also permits document searching and printing free of charge if the user is a party in the matter. Otherwise, there is a minimal charge to print documents.

Municipal court records such as docket sheets and filings are not available electronically. However, researchers wishing to locate information about the availability of municipal court records may begin by visiting the following website: <http://www.colorado.gov/sdlg.htm>.

## Obtaining Criminal Records Information

To find out if the research subject has a criminal background, researchers can perform an arrest record search in the Colorado Bureau of Investigation ("CBI") Records Check database. This database is available at the following website: <https://www.cbirecordscheck.com/Index.asp>.

This search will provide information about whether the person has been arrested in Colorado. Researchers should note,

however, that there are some limitations to the information contained in this database. For example, only arrests for which readable fingerprints were taken and sent to the CBI are included. Also, certain types of records, such as sealed records and juvenile records, are not available through the CBI Records Check database. The cost for searching the database is \$6.85 per name.

The CBI Records Check database may provide information about arrests that did not lead to court appearances. In this case, researchers also should conduct a search of CoCourts and CoJustice to locate criminal cases in which the person was a party (*see discussion of these databases above*).

There is no publicly available nationwide criminal database for checking a person's criminal history, according to LLRX.com,<sup>®</sup> a legal research website. The Federal Bureau of Investigation maintains a national criminal database called the National Crime Information Center ("NCIC"), but this database cannot be accessed by anyone who is not affiliated with a law enforcement agency.<sup>10</sup> Therefore, it is difficult for non-official researchers to conduct a comprehensive national criminal background check because of the large number of separate databases maintained by various cities, counties, states, and regions across the nation.

Research tools like Westlaw, LexisNexis, Accurint,<sup>™</sup> Rap-sheets<sup>™</sup> and many other Web-based products<sup>11</sup> offer criminal records databases that provide multi-state access, but none provides access to criminal records for all fifty U.S. states. In addition, there may be gaps in the coverage for the states that are included, depending on the availability of criminal records information at the city and county levels. Some criminal records files covering certain states may be missing information for particular cities or counties. This is why it is important to check the contents of the database before performing any searches.

The best approach to criminal records searching is to concentrate on a smaller geographic area rather than trying to perform a broad nationwide search. Lynn Peterson, president of PFC Information Services, notes that while the commercial websites may "throw out a geographically 'wider net' than a county criminal check, . . . the holes [in the net] are so large that great white sharks can swim through them."<sup>12</sup> She also states:

There is just no substitute for a tightly focused county criminal court search conducted in the locations where the individual has lived. The county criminal check should be requested in conjunction with a Social Security Number verification, which identifies the counties that should be searched for criminal records. The net is smaller, but it is tightly woven and thrown into the place in the water where the fish are likely to be biting.<sup>13</sup>

Researchers also should keep in mind that commercial sites pull their data from state, city, and local governments, which may provide their own websites where the information is available at no charge. Researchers who have the time may want to investigate whether the criminal records information they are seeking is available in this way.

BRB Publications, Inc. has links to nearly 1,700 county, state, and federal (court) websites where researchers can access public records information at no charge. However, be sure to read the disclaimer regarding reliability of the records provided.<sup>14</sup> For Colorado, only one criminal record website is listed: <http://sor.state.co.us>. Limited to multiple offenders, violent offenders, and missing offenders, this link takes the user to the CBI website containing a searchable database of high-risk convicted sex

offenders. To locate public records in other states, try using Search Systems: <http://www.searchsystems.net/search.php>. Enter "Colorado criminal" as a sample query to see what links are available.

## Obtaining Information About Federal Cases

To locate information about federal cases in which the person may be involved, researchers should use PACER<sup>15</sup> or another product that provides access to federal court dockets. PACER provides access to most U.S. district, bankruptcy, and appellate courts. In fact, most, if not all, commercial products that provide access to federal court dockets use data obtained from the PACER system. Therefore, researchers conducting a criminal background search on an individual may want to conduct a search of the person's name in PACER to determine whether he or she has been a party in any criminal cases filed in federal courts.

## Obtaining Information About Bankruptcy Filings

To find out if a person has filed for bankruptcy, researchers can search for U.S. bankruptcy filings in a federal docket retrieval system that provides access to U.S. bankruptcy court dockets. Researchers also can try searching files in LexisNexis, Westlaw, Accurint, or ChoicePoint<sup>®</sup> that provide access to bankruptcy filings and background materials.<sup>16</sup>

On LexisNexis, the researcher can use the Insolvency Bankruptcy Filing Library ("INSOLV") or the Bankruptcy Library ("BKRTCY"). INSOLV contains abstracts of primary bankruptcy filings covering Chapters 7, 11, 12, and 13 from most divisions of the U.S. bankruptcy courts for all fifty states and the District of Columbia. Individual files such as "COBKT" for Colorado may be searched to limit the jurisdiction. On Westlaw, the researcher can use the Bankruptcy Filings Combined Database ("BKR-ALL"), or "BKR-CO" for Colorado only, to search bankruptcy filings.

## Obtaining Information About Judgments and Liens

The Colorado Secretary of State provides a website where researchers can obtain information about commercial or agricultural liens (UCC and EFS records). Users must establish a pre-paid account with the Colorado Secretary of State to access the site: <http://www.sos.state.co.us/pubs/business>.

In addition, LexisNexis and Westlaw have files that contain information about judgments and liens. In Westlaw, LJ-CO is the database identifier for the "Liens & Civil Judgments—Colo-

rado" file; the ADVERSE-CO file includes Colorado bankruptcy records, UCC filings, and liens and judgments. In LexisNexis, the database identifiers for similar files are COJGT and COUCC in the COLO library. Be sure to check the scope notes for Westlaw or the Source Information link for LexisNexis before conducting any searches to determine what kinds of records are (and are not) included in these files.

## Conclusion

This is the final part of a three-part series on researching public records and other publicly available information. With this series, the authors have attempted to provide a basic overview of some of the fee-based and free online services that are available for conducting background searches on Colorado residents. There may be other useful background searching tools that have not been covered here. Savvy researchers may want to consult with a law librarian to learn about other reliable resources for background searching or may ask for a more thorough investigation using all of the research tools at the librarian's disposal.

## NOTES

1. See Colorado Association of Law Librarians, "Online Background Searching in Colorado—Part I," 32 *The Colorado Lawyer*, 45 (May 2003); Part II (Aug. 2003) at 39.
2. See <http://www.mv.state.co.us/FAQdc.htm#2> for more information.
3. The fee information provided throughout this article is subject to change as prices change. Check with the information provider for the most current pricing information.
4. See <http://www.cocourts.com> and <http://www.cojustice.com>, respectively.
5. See <http://pacer.psc.uscourts.gov>. PACER is a service of the U.S. Judiciary.
6. See <http://www.lexisnexis.com/courtlink/online>.
7. See <http://www.courtexpress.com>.
8. See <http://westlaw.com>. Click on the "Directory" tab and select "Dockets" under the "Litigation" link.
9. See <http://www.lexisnexis.com/fileandserve> for more information.
10. Peterson, "Navigating the Maze of Criminal Records Retrieval—Updated" (June 1, 2001) at <http://www.llrx.com>.
11. See notes 8 and 9, *supra*, for Westlaw and LexisNexis websites. See also Accurint<sup>™</sup> at <http://www.accurint.com> and Rapsheets<sup>™</sup> at <http://www.rapsheets.com>.
12. Peterson, "Not All Criminal Records Checks Are Created Equal" (Aug. 20, 2003) at <http://www.pfcinformation.com>.
13. *Id.*
14. See <http://www.brpub.com/pubrecsites.asp>.
15. See <http://pacer.psc.uscourts.gov>.
16. See notes 8, 9, and 11, *supra*, for Westlaw, LexisNexis, and Accurint websites, respectively. For ChoicePoint, see <http://www.choicepointonline.com>. ■

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