



SECURITY EXECUTIVE COUNCIL

A research and advisory firm

Solution Innovation Case Study: Continuous Assurance of Your Talent's Post-Hire Integrity and Retention

The Security Executive Council (SEC) Solution Innovation Partner (SIP) program evolved as a means for practitioners to choose a trustworthy risk mitigation provider with confidence when there are a myriad of options in the marketplace. Proven Solution Innovation Practice Case Studies help to evaluate performance claims and differentiate security solution providers for business outcomes including risk mitigation, return on investment, and security assurance.

This Solution Innovation Case Study offers a proven process approach for mitigating risk(s) that could result in injury or impairment of people, assets, critical processes, products and/or brand reputation. This proof point examines representative risk issues, mitigations and result outcomes as validated by the SEC and end-user.

The following case study represents a large hospitality organization's ability (operating within a highly regulated industry) to leverage a proven approach toward providing alerts to key stakeholders when an enrolled member of their workforce has been convicted of an offense post-hire (or contractors post assignment) which makes him or her ineligible or a risk to continue in his or her current role without follow-up risk mitigation. Data Driven Safety, a public record aggregator, is an SEC trusted Solution Innovation Partner by virtue of vetting which includes the following case study.

Risk Issues and Mitigation Opportunities:

1. Conventional pre-employment background screening cannot identify post-hire life events that can adversely impacting an organization's brand. Multiple research findings reveal that employees rarely self-report offenses likely to result in their termination.
2. Individual incidents should be properly documented by relevant government agencies so that organizations can treat people similarly even though the underlying criminal violations vary in relevancy, severity and outcome.
3. Legal counsel is usually reluctant to operate outside of existing EEOC safe harbor guidelines. Therefore, compliance risks perceptions are heightened for organizations that wish to monitor public record data for criminal activity beyond pre-employment, particularly if the provider is unwilling to acknowledge its status as a "consumer reporting agency".
4. Coupled with self-reporting and employee assistance programs, employers recognize that helping employees may be a means of mitigating risk and retaining talent.

Solution Requirements:

- Provide a proven practice for continuous, timely discovery and visibility into must-know recent (post-hire) criminal case initiations and convictions involving a large, regulated organization's current workforce.
- Alerts must be customized to exclude specific offense categories, violations, severity levels and outcomes so that only information concerning appropriate and job-related incidents are transmitted. No "what do I do with this" type of offenses can be communicated.
- Deployment process must be simple to implement and may not require additional HR staff training. Provider must be a Consumer Reporting Agency and service offering shall comport with requirements of internal legal counsel.



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- Solution must not drain existing resources but rather provide insight supported by actionable documentation that allows the organization to confidently and expeditiously take action.
- Solution must be an FCRA compliant extension of the existing pre-employment program with alerts featuring government agency document copies (e.g. arrest affidavits, booking/intake summaries, law enforcement incident reports, original case filings, sentencing determinations, etc.).

Delivered:

Data Driven Safety's (DDS) eLUMINATE service works continually to identify prohibited offenses that occur after the employee's enrollment. It does not replace an organization's continued need for a robust pre-hire screening program. Instead, the eLUMINATE program is a free-standing, FCRA-compliant service that must be "bolted-on" to an employer's existing compliance infrastructure.

eLUMINATE actively monitors enrolled employees for any recent criminal case initiations and convictions. This information enables DDS to provide timely alerts of activity meeting its customers' custom lists of prohibited offenses. DDS on average spends 2-3 hours investigating and assembling each alert **prior** to distribution. These alerts are more than mere database outputs; they contain copies (often certified by the governmental agency) of the actual case documentation (e.g., arrest affidavits, booking/intake summaries, law enforcement incident reports, original case filings, sentencing determinations, etc.).

Piloted Process Outcome and Benefits of Service Including ROI:

- ❖ In actively monitoring over 9,000 employees, DDS uncovered over 100 need-to-know legal violations that had not been captured by any of their other investigative processes. These included:
 - assault with a deadly weapon inflicting serious injury (intentional shooting);
 - insurance fraud stemming from accident staging;
 - felony controlled substance violations;
 - burglary (along with larcenies); and
 - credit card fraud.
- ❖ Numerous outstanding warrants were uncovered that employees were often able to resolve without the need for additional jail time.
- ❖ Alerts are normally provided within 7 days after the judicial records are filed. Cases are tracked from filing to conclusion (i.e., arrest to conviction) unless directed otherwise.
- ❖ There are currently 10 alerts on average delivered each month per 10,000 employees.
- ❖ Zero offenses were provided through eLUMINATE that failed to meet the substantive criteria as outlined by the client. Active filtering allows our customer to focus only the incidents that matter most.
- ❖ The service although initially championed by Security has garnered overwhelming support from both HR and Legal departments.



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Comment from client: *“In addition to greatly reducing the likelihood that important incidents are able to slip through the proverbial cracks, the eLUMINATE alert packages have saved us time and expense. DDS provides us with all the investigative documentation required to immediately assess the situation, determine our recommended plan of action and share the data with HR for a swift solution. We no longer incur the additional expense and delay associated with an internal investigation.”*

SIP Process

This process was overseen by a Council Faculty member with 20+ years of experience in developing and leading people and asset protection programs as a trusted security advisor for global, multinational organizations. End-user authenticated January 2019.

Note: *The Security Executive Council's Solution Innovation case study represent a snapshot in time to demonstrate a solution to a specific-organization's issue. End-user diligence, trial and measurement are strongly recommended for any contemplated risk mitigation activity.*

A General Comparison of Competition

Client Service/Resource Attributes or Capabilities	Data Driven Safety	Persistent Assurance Provider B	Persistent Assurance Provider C
Alerts provided on daily basis.	Yes	Yes	Yes
Alerts triggered by recent and relevant criminal convictions with optional case initiation alerts (bookings) and monthly national sex offender registry updates for certain enrollment groups.	Yes	No	No
Alerts fueled by largest non-governmental collection of automated-for-monitoring criminal judicial data sources.	Yes	No	No
Alerts never include incidents without offense descriptions.	Yes	No	No
Alerts designed to be EEOC/FCRA-compliant without requiring lengthy internal “investigation” for conviction alerts	Yes	No	No
Alert Filtering/Customization by Identity, Role and Responsibility	Yes	Yes	Yes
Alerts can be customized to exclude offense types, categories and geography	Yes	No	No
Alerts delivered after manual confirmation and verification process of activity.	Yes	No	No
Alerts confirmed to be valid (e.g., no expungement, no outdated record, notice of appeal period has expired)	Yes	No	No
Alerts include .pdf copy of corresponding judicial record.	Yes	No	No
Enrollment and cancellation of participants via API and/or web-based system	Yes	Yes	Yes
Enrollment does NOT require participants’ prior written consent if “evergreen” background checks have been consented to in most jurisdictions.	Yes	Unclear	Unclear
Enrollment does NOT require participants’ social security number.	Yes	No	Unclear
Monitoring is performed without transmitting participants’ identifying information to a 3rd party.	Yes	Yes	No