



POLICY No.: K-8  
DATE ADOPTED: FEBRUARY 6, 2013

## **TOWN OF WEST BOYLSTON BOARD OF SELECTMEN POLICY**

### **Criminal Offender Records Information Policy**

#### **Policy:**

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed.

#### **I. ACCESS TO CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing applications. The Town of West Boylston, through the Office of the Town Administrator, must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

Pursuant to state regulations, CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

#### **II. CORI TRAINING**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI, which includes all personnel authorized to conduct criminal history background checks, will review and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

#### **III. CONDUCTING CORI SCREENING**

CORI checks will only be conducted as authorized by the state Department of Criminal Justice Information Systems (“DCJIS”) and G.L. c. 6, §172, and only after a CORI Acknowledgement Form has been completed by the individual to be checked.

With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification (such as a driver's license). If the individual has not been issued such a form of identification, then the applicant's information will be verified with a government issued non-photographic identification, such as a birth certificate or social security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgment Form, shall be maintained on file by The Town of West Boylston, through the Office of the Town Administrator, for at least one year from the date the Form was signed by the applicant.

In no instance will the applicant be asked or required to provide a copy of his/her own CORI.

#### **IV. USE OF CRIMINAL HISTORY IN EMPLOYMENT BACKGROUND SCREENING**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

#### **V. USE OF A CREDIT REPORTING AGENCY TO CONDUCT CORI CHECKS**

If a Credit Reporting Agency (CRA) is used to conduct CORI checks on applicants, The Town of West Boylston, through the Office of the Town Administrator, will comply with the state regulations particular to use of a CRA.

#### **VI. VERIFYING A SUBJECT'S IDENTITY ONCE A CORI RECORD IS RECEIVED**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

#### **VII. INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, contracted services, housing, or licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the

subject about his or her criminal history, and prior to making any adverse decision based upon the applicant's criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

### **VIII. DETERMINING SUITABILITY**

If a determination is made, based on the information as provided in section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulation. Factors to be considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the offense(s) noted on the record to the position or license sought, or to public housing;
- (b) The nature of the work to be performed (where applicable);
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

Whenever possible, the applicant is to be notified of the decision and the basis for it in a timely manner.

### **IX. ADVERSE DECISIONS BASED ON CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified promptly. The subject shall be provided with copies of: 1) the organization's CORI policy; 2) the criminal history at issue, indicating the source(s) of said criminal history; and 3) DCJIS' *Information Concerning the Process for Correcting a Criminal Record*, or other similar information published by DCJIS relating to the process for correcting CORI.

The subject will then be provided with reasonable opportunity to dispute the accuracy of the CORI record and/or submit additional information. In most instances, that reasonable opportunity shall be seven (7) calendar days from date of notification from the Town of West Boylston, through the Office of the Town Administrator, of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or the DCJIS, the Town of West Boylston, through the Office of the Town Administrator, shall review the information with the applicant. If the CORI record does not exactly match the identification information provided by the

applicant, the Town of West Boylston, through the Office of the Town Administrator will make a determination based upon a comparison of the CORI record and documentation provided by the applicant. The Town of West Boylston, through the Office of the Town Administrator, shall document all steps it takes in this regard.

In the case of license applications, the Town of West Boylston, through the Office of the Town Administrator, will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue, although this information can be provided either before or after the adverse decision is made.

## **X. MAINTENANCE OF CORI**

All CORI information, including CORI Acknowledgment Forms and copies of government issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically stored CORI will be password protected and encrypted. No CORI shall be stored using public cloud storage methods. CORI shall be destroyed within seven years from: the date of hire or entrance into volunteer service (employment); date of licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later. Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically stored CORI shall be deleted from all hard drives on which they are stored and from any system used to back up the information. Appropriate measures shall be taken to “clean” any computer used to store CORI, prior to disposal or repurposing of such a computer.

## **XI. SECONDARY DISSEMINATION LOGS**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central “secondary dissemination log” shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject. That log must contain the following information: 1) the applicant/subject’s name; 2) the applicant/subject’s date of birth; 3) the date and time of dissemination; 4) the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5) the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; may be maintained electronically or on paper in the same secure manner as other CORI information; and are subject to audit by DCJIS.