

**Town of Stow, Massachusetts Policy and Procedures regarding use of the
Criminal Record Offender Information (CORI) System**

March, 2011

Introduction

The following Policies and Procedures apply to all use of the Criminal Record Offender Information (CORI) system by any Town agency, department, employee, or other Town agent in the performance of Town business. These Policies and Procedures are adopted for the purpose of ensuring the Town's compliance with the requirements of G.L. c. 6, s. 167-178B and 803 CMR 2.00 – 8.03, pertaining to CORI access and use.

I. Certification Pursuant to G.L. c. 6, s. 172

1. The Town shall at all times maintain its status as an agency certified by the Criminal History System Board (CHSB) pursuant to G.L. c. 6, s. 172 to access CORI. The Town shall renew its certification every two years as provided in 803 CMR 3.01(6), or at such other interval subsequently required by regulation or by the CHSB.
2. Pursuant to 803 CMR 3.01(5), the Town's access to CORI shall be limited to individuals who have filed the "Individual Agreement of Non-Disclosure" form promulgated by the CHSB. Such individuals shall be designated to request, receive, and review CORI on behalf of the Town pursuant to 803 CMR 3.01(5).
3. The Town shall have a designated CORI Administrator and CORI Submitters responsible for conducting CORI checks and otherwise complying with the applicable statute and regulations. The CORI Administrator and all CORI Submitters shall complete the CORI "Individual Agreement of Non-Disclosure" form promulgated by the CHSB.
4. The Town Administrator shall be a CORI Submitter and shall designate the CORI Administrator (which may be him or herself), and shall designate other CORI Submitters at his or her discretion.
5. The CORI Administrator and all CORI Submitters shall be familiar with the educational materials made available by CHSB regarding the appropriate use of CORI.
6. Pursuant to 803 CMR 3.01(7), the CORI Administrator and Submitters shall attend training as required by the CHSB for certification renewal, in the manner and at intervals prescribed by the CHSB.

7. The CORI Administrator is responsible for performing CORI checks on all CORI Submitters, pursuant to the Policy promulgated by the Department of Criminal Justice Information Services.

II. Uses of CORI Checks

1. Review of CORI shall be one aspect of a general background check for all applicants for employment by the Town (full or part-time); for all applicants for volunteer work for the Town; for all persons performing work for the Town pursuant to an employment or service contract. CORI checks will be conducted only as authorized by the CHSB and as provided by G.L. c. 6, s. 168-178B and 803 CMR 2.00 – 8.03.
2. All applicants for employment by the Town (full or part-time); applicants for volunteer work for the Town, and persons performing work for the Town pursuant to an employment or service contract (“Applicants”) shall be notified at the time of application that a CORI check will be conducted. A copy of these CORI Policies and Procedures shall be provided to any Applicant who so requests.
3. Unless otherwise provided by law, a criminal record will not automatically disqualify an Applicant for employment, volunteer work, or for performance of work for the Town pursuant to an employment or service contract. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulation.
4. If a criminal record is received from CHSB, the CORI Administrator or Submitter shall closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the Applicant to ensure that the record relates to the Applicant. (See Section III, “Procedures for CORI Checks”).
5. If a Town agency, employee, department, or other Town agent is inclined to make an adverse decision regarding an Applicant based on the results of the CORI check, the Applicant will be notified immediately. The Applicant shall be provided with a copy of the criminal record and a copy of these Policies and Procedures. The Applicant shall be advised of the part(s) of the record that make the Applicant unsuitable for the position (employment, volunteer, or service contract), and, unless otherwise provided by law, given an opportunity to dispute the accuracy and relevance of the CORI record, prior to the Town making a final decision.
6. Applicants challenging the accuracy of a record shall be provided a copy of CHSB’s “Information Concerning the Process in Correcting a Criminal Record.” If the CORI record provided does not exactly match identification provided by the Applicant, the Town (through the CORI Administrator or

Submitter) will make a determination based on a comparison of the CORI record and documents provided by the Applicant. The Town may contact CHSB and request a detailed search consistent with CHSB policy.

7. Upon receipt of additional documentation from the Applicant and/or the CHSB, the Town shall review the information with the Applicant
8. If the Town reasonably believes the record belongs to the Applicant and is accurate, based on the information as provided by the Applicant and by CHSB, then the determination of suitability for the position (employment, volunteer, or service contract) will be made. Unless otherwise provided by law, factors considered in determining suitability may included, but not be limited to the following:
 - a. Relevance of the crime to the position sought;
 - b. The nature of the work to be performed;
 - 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;
 - i. Any other relevant information, including information submitted by the Applicant or requested by the hiring authority.
9. The Town will notify the Applicant of the decision regarding the employment, volunteer, or service contract position, and the basis of the decision in a timely manner.
10. The Town may conduct CORI checks on any current employee, volunteer, or individual performing work for the Town pursuant to an employment or service contract, in a manner conforming to the procedures contained within these Policies and Procedures and to the CORI statutes and regulations.

III. Procedures for CORI Checks

The following procedures shall be followed in performing CORI Checks pursuant to 803 CMR 3.05:

1. The Town will obtain information from the Applicant required by the CHSB on the CORI request form, including but not limited to full name, date of birth, mother's maiden name, place of birth, sex, former addresses, height, weight, and eye color. The Town may also request the Applicant's social security number, in order to assure that the distribution of CORI relates to the individual for whom the request has been made.

2. The Town shall also obtain from any Applicant whose CORI is requested from the CHSB the person's Identity Theft File Number if the individual has been enrolled in the NCIC Identity Theft File by the CHSB. If an Applicant provides an agency with an Identity Theft File Number on a CORI request form, the agency shall submit the request for such Applicant's record according to the business process specified by the CHSB and as further provided in 803 CMR 3.05.
3. In order to obtain a CORI check on an Applicant, the Town shall:
 - a. confirm that it is currently certified to perform a CORI check on the current or otherwise qualified applicant under its grant of certification from the CHSB;
 - b. use the form prescribed by the CHSB;
 - c. obtain the signature of the Applicant upon whom the CORI check is being performed, except as otherwise authorized by law;
 - d. verify the identify of the Applicant whose CORI is being requested with at least one form of government issued photographic identification, or if the Applicant has not been issued such a form of identification, then verify the Applicant's information with a government issued non-photographic identification, such as a birth certificate or social security card; and
 - e. maintain a copy of the CORI request form.
4. If the Applicant whose CORI is being requested is unable to appear in person to provide the required government issued identification at the time the CORI request form is completed, then the Applicant may provide the Town with a clear, legible copy of the identification. In such instances, the Town is required to conduct an in-person verification of the identity of the Applicant with at least one form of government issued identification prior to or simultaneously with the Applicant beginning or receiving any employment, service or benefit to ensure the CORI received from the CHSB corresponds to the Applicant for whom a request was made.
5. The Town shall provide a copy of the CORI received from the CHSB to each Applicant whose record is requested, unless the CHSB indicates to the agency that no record exists for an Applicant.
6. In every case in which the Town receives a response other than a "No Record" response from the CHSB, the Town shall provide the Applicant with a copy of the record before any determination or decision is made on the basis of the record. In addition to the copy of the record, the Town shall also provide the Applicant with information made available by the CHSB on how to correct a CORI and information on how to enroll in the Identity Theft File to establish that the Applicant is the victim of identity theft.