



TOWN OF BROOKLINE
MASSACHUSETTS

Criminal Offender Record Information Policy: Employment

HUMAN RESOURCES OFFICE
333 Washington Street
Brookline, MA 02445
(617) 730-2120

www.townofbrooklinemass.com

Sandra DeBow, Director
Human Resources Office
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Criminal Offender Record Information Policy: Employment

A. Introduction

Employees of the Town of Brookline are accountable to both the citizens and to the Town as its employer. The public has a right to expect that services will be provided at a high level and that Town employees are reliable and trustworthy. This suitability bar is particularly high for employees who may have unsupervised access to individuals in vulnerable populations, i.e., children, the elderly and disabled citizens as a part of their job. The Town of Brookline will strive to consider all aspects of an individual's application process to determine suitability for public service. For covered positions listed herein, relevant criminal history must be reviewed and considered along with other factors.

B. Criminal Offender Record Information This Policy governs criminal record background checks the Town conducts in connection with employment with the Town, including but not limited to seasonal, contract and volunteer positions.¹ As used in this policy, "CORI" refers to information that is recorded as the result of the initiation of criminal proceedings or any consequent related proceedings, including, but not limited to, Massachusetts Board of Probation ("BOP") records, and other information available from the Department of Criminal Justice Information Systems ("DCJIS"), fingerprints, photographs, and other identifying data that is recorded as the result of the initiation of criminal proceedings. As required by the Department of Early Education and Care for Licensed Early Education Programs, CORI information will also include Department of Children and Families central registry records.

1. Generally. CORI checks shall be conducted for the sole purpose of making suitability determinations and only by persons authorized to do so under this Policy and applicable law. CORI checks shall be conducted in a manner that conforms with this Policy and with all applicable federal, state and local laws, regulations, and by-laws.
2. Access to CORI. All CORI is confidential, and can be disseminated only as authorized by law or regulation. Access to CORI within the Town 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 job applications. The Town will 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.
3. Training of Personnel. All personnel authorized to conduct criminal history background checks and/or to review CORI will review, and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.
4. Subject's Prior Authorization. No CORI check may be conducted until
 - a) the subject has received a copy of this Policy, and
 - b) the subject has signed and otherwise completed a CORI Acknowledgment Form.

¹ The Town has a separate CORI policy applicable to licensing.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgment Form, the subject shall be given seventy-two (72) hours notice that a new CORI check will be conducted.

If a subject objects to the new request for CORI, the CORI Acknowledgment Form shall become invalid.

5. Use of Criminal History in 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.
6. Verification of Subject's Identity. Prior to conducting a CORI check, the Town shall verify the identity of the subject against at least one of the following forms of government-issued identification:
 - a. a state-issued driver's license;
 - b. a state-issued identification card with a photograph;
 - c. a passport; or
 - d. a U.S. military identification.

If the subject does not have one of the foregoing forms of government-issued identification, the Town shall verify the subject's identity by other forms of documentation as determined by DCJIS.

If the Town is unable to verify a subject's identity and signature in person, the subject may submit a completed CORI Acknowledgment Form acknowledged by the subject before a notary public.

The Town shall not request CORI until it has signed and dated the CORI Acknowledgment Form certifying that the subject was properly identified. (Appendix A)

If the criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgment 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 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.

7. Prohibition on Requesting Subject to Produce CORI. In no event shall the Town request or require a person to supply it with a copy of his or her own CORI.
8. Required Sharing of CORI and Opportunity to Dispute Accuracy. The Town shall provide a subject with a copy of his or her CORI upon the subject's request. In all events, the Town shall provide the subject with a copy of his or her CORI prior to a) questioning the subject about the subject's criminal history, or b) making an adverse determination on the basis of the subject's CORI.

The Town shall not make an adverse determination on the basis of the subject's CORI without first

- a. providing the subject with a copy of this Policy,
- b. notifying the subject in person, by telephone, fax, or electronic or hard copy correspondence of the potential adverse determination,
- c. providing the subject with a copy of his or her CORI and with information concerning the source of the criminal history record,
- d. identifying for the subject the part of his or her CORI that appears to make him or her unsuitable,
- e. providing the subject with DCJIS's information regarding the process for correcting CORI, (Appendix C and D) and
- f. affording the subject an opportunity to dispute the accuracy of the CORI or otherwise present to the Town any mitigating or other circumstances bearing on the CORI.

The Town will review any information the subject supplies disputing the accuracy of the CORI. The Town shall not make any employment decisions based on CORI unless the subject has been afforded an opportunity to dispute the accuracy of the CORI. The Town shall timely inform the subject of its decision.

The Town shall document all steps it takes to comply with this Section.

9. Decision-Making. If the Town reasonably believes that CORI belongs to the subject and is accurate, it will make a determination of suitability based on the CORI. Unless otherwise provided by applicable law or regulation,¹ a criminal record shall not automatically disqualify a subject. Rather, determinations of suitability based on CORI will be made consistent with this policy and applicable laws and regulations. Factors the Town will consider in making suitability determinations include, but are not limited to:

- a. relevance of the record to the position;
- b. the nature of the work to be performed;
- c. time since the conviction;
- d. age of the subject at the time of the offense(s);
- e. nature, gravity, and specific circumstances of the offense(s);
- f. the number of offenses;
- g. whether the subject has pending charges;
- h. any relevant evidence of rehabilitation efforts or lack thereof; and
- i. applicable laws and regulations setting forth criminal history disqualifiers; and
- j. any other relevant information, including information submitted by the subject.

10. Dissemination of CORI. CORI may be shared with staff authorized to request, receive, or review CORI for the purposes of employment. The Town shall, upon request, share CORI with government entities charged with overseeing, supervising, or regulating the Town.

¹ Certain criminal offenses listed on a record may automatically disqualify an applicant from certain positions, particularly those involving children and the elderly. These instances are required by law.

11. Secondary Dissemination Log. The Town shall maintain an electronic or paper Secondary Dissemination Log reflecting dissemination outside of the Town, reflecting the following: a) the subject's name, b) the subject's date of birth, c) the date and time of the dissemination, d) the name of the person to whom the CORI was disseminated and the name of the organization for which the person works, if applicable, and e) the specific reason for the dissemination.

12. Security / Maintenance / Destruction. Hard copies of CORI shall be stored in a separate locked and secure location, such as a file cabinet. The Town shall limit access to the locked and secure location to persons who have been approved to access CORI. Hard copies of CORI shall be destroyed by shredding or otherwise before disposal.

Electronically-stored CORI shall be password-protected and encrypted. The Town shall limit password access to only those persons who have been approved to access CORI. CORI shall not be stored using public cloud storage methods. Electronic copies of CORI shall be destroyed by deleting them from the hard drive on which they are stored and from any system used to back up the information before disposing of it. The Town shall appropriately clean all CORI by electronic or mechanical means before disposing of or repurposing a computer used to store CORI.

CORI Acknowledgment Forms and Secondary Dissemination Logs shall be maintained for a minimum of one year. CORI shall not be maintained for more than 7 years from the date of the final determination.

Information Concerning the Process in Correcting a Criminal Record

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 or by calling (617)660-4640 or go to http://www.mass.gov/Eeops/docs/cjis/cori_request_personal.pdf
2. The DCJIS charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a criminal record" on the DCJIS website www.mass.gov/cjis/cori/cori_bop.html
4. The DCJIS does not offer "walk-in" service but you may call our Legal Division at (617)660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617)727-5300.
5. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation Department at the court where the charges were brought and request that the case(s) be updated.
6. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
7. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/cjis/cori/cori_codes_court.html
8. In some situations of identity theft, you may need to contact the DCJIS to arrange to have fingerprints analysis conducted.
9. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
10. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617)660-4640.

ESTABLISHING YOURSELF AS A VICTIM OF IDENTITY THEFT

**Information Concerning Establishing Yourself as the Victim of Identity Theft for
Criminal Offender Record Information (CORI) Purposes**

1. If you are concerned about the information that is contained in your criminal record, you may request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, Massachusetts 02150. You also may obtain a personal record request form by visiting the DCJIS website at: www.mass.gov/Eeops/docs/DCJIS/cori_request_personal.pdf.
2. The DCJIS charges a \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS fee be waived.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "How to Read a Criminal Record" on the DCJIS's website at: [http://www.mass.gov/?pageID=eopssubtopic&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&L4=How+to+Read+a+Criminal+Record&sid=Eeops](http://www.mass.gov/?pageID=eopssubtopic&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&L4=How+to+Read+a+Criminal+Record&sid=Eeops). The DCJIS does not offer "walk-in" service, but you may call the agency's Legal Department at 617.660.4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at 617.727.5300.
4. If upon reviewing your record you believe that someone has stolen or improperly used your identity and was arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers, please visit [http://www.mass.gov/?pageID=eopsterminal&&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&L4=How+to+Read+a+Criminal+Record&sid=Eeops&b=terminalcontent&f=DCJIS_cori_codes_court&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&L4=How+to+Read+a+Criminal+Record&sid=Eeops&b=terminalcontent&f=DCJIS_cori_codes_court&csid=Eeops).
5. In addition to working with the Commissioner of Probation's Office or the Chief Probation Officer in any court in which charges were brought for an individual that has stolen or improperly used your identity, you may apply to the Massachusetts Department of Criminal Justice Information Services to be entered into the Identity Theft Victims Index File.
6. In order to be entered in to the Identity Theft Victims Index File, you must file a report with a local police department or the Massachusetts State Police, indicating that you are the victim of Identity Theft. Please contact your local police department and request to file a report.