



TOWN of BROOKLINE

Massachusetts

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CORI POLICY: LICENSING

This Policy governs criminal record background checks the Town conducts in connection with applications for Town-issued occupational licenses.

This CORI Policy applies to all boards, commissions, and employees serving as the licensing authority for the Town of Brookline with regard to occupational licenses, and all Town employees who assist with occupational license applications.

As used in this Policy, “CORI” refers to records obtained as the result of criminal record background checks conducted by the Federal Bureau of Information (“FBI”) and any 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.

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.

Fingerprint-based CORI checks shall be conducted of applicants for the following occupational licenses:

- Liquor Licensees
- Managers or Alternate Managers of Liquor Licensees
- Registered Marijuana Dispensary (RMD) Licensee;
- RMD Executives, Directors, and Managers
- Hawkers and Peddlers
- Hackney Carriage (Taxi) Operators
- Solicitors and Canvassers
- Dealers in Junk, Second-Hand Articles and Antiques
- Second-Hand Motor Vehicle Dealers
- Ice Cream Truck Vendors

Named-based CORI checks may be conducted of applicants for other types of occupational licenses to the extent permitted by law.

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, staff submitting the CORI requests and staff charged with processing licensing 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 CORI 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 the subject has:

- a) received a copy of this Policy;
- b) signed and otherwise completed a CORI Acknowledgment Form (Appendix A); and
- c) in the case of fingerprint-based CORI checks, been notified that the fingerprints will be used to check the subject’s FBI criminal history records (Appendix B).

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.

If a subject’s license expires or is revoked, the CORI Acknowledgement Form shall become invalid.

5. Use of Criminal History in Background Screening. CORI used for licensing purposes shall only be accessed for applicants who meet all other requirements for the license for which the individual is being screened.

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 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 the 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 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 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 information regarding the process for correcting

CORI through DCJIS and for establishing oneself as the victim of identity theft (Appendix C),
f) in the case of fingerprint-based CORI checks, providing the subject with a copy of 28 C.F.R. Part 16.34 (Appendix D), and
g) 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 deny a license 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 application;
- 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
- i) 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 evaluating an application for an occupational license. The Town shall, upon request, share CORI with government entities charged with overseeing, supervising, or regulating the Town.

11. Secondary Dissemination Log. The Town shall maintain an electronic or paper Secondary Dissemination Log reflecting dissemination outside of the licensing authority's organization, reflecting the following: **a)** the subject's name, **b)** the subject's

¹ Certain criminal offenses listed on a record may automatically disqualify an applicant from certain licenses. These instances are required by law.

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.

APPENDIX A - CORI Acknowledgment Form

I am an: (please check one)

- Applicant** - Position: _____ Department/License: _____
- Volunteer** - Position: _____ Department: _____
- Employee** - Position: _____ Department: _____
- Contractor** - Company Name _____

The Town of Brookline is registered under the provisions of M.G.L. c. 6, §172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licenses, and applicants for the rental or lease of housing. As the prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS (and in the case of certain license applicants subject to fingerprint-based background checks, to the FBI). I hereby acknowledge and provide permission to The Town of Brookline to submit a CORI check for my information. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing The Town of Brookline with written notice of my intent to withdraw consent to a CORI check. For employment, volunteer, and licensing purposes only: The Town of Brookline may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that The Town of Brookline must first provide me with written notice of this check 72 hours in advance. By signing below, I provide my consent to a CORI check and acknowledge that the information provided on this Acknowledgment Form is true and accurate.

Applicant/Employee/Volunteer/Contractor Signature

Today's Date

Applicant/Volunteer/Employee/Contractor Information (Please Print)

Last Name: _____ First Name: _____ MI: _____

Current Address: _____

Former Address(es): _____

Maiden Name or Alias (If Applicable): _____ Place of Birth: _____

Date of Birth: _____ Last 6 digits of Social Security Number: _____ - _____

Sex: _____ Height: _____ ft. _____ in. Race: _____ Eye Color: _____

State Driver's License Number (Include State) _____ ID Theft Index PIN*: _____

List any other name(s) or dates of birth that appear in DCJIS's database: _____

Mother's Full Maiden Name: _____ Father's Name: _____

*The Identify Theft Index PIN Number is not required and only for those applicants who have been issued an Identity Theft Index PIN Number by the DCJIS. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the Accuracy of the CORI request process.

*****For Official Use Only*****

I certify that the foregoing person was identified in conformity with Town Policy using the following form of acceptable government-issued identification: (List ID Type)

Signature of CORI-Authorized Employee: _____ Date: _____

Name and Position of CORI-Authorized Employee: _____

APPENDIX B – Notification to Subjects of Fingerprint-Based Criminal Record Background Checks



BROOKLINE POLICE DEPARTMENT
Brookline, Massachusetts

DANIEL C. O'LEARY
CHIEF OF POLICE

TO: LICENSE APPLICANT
FROM: BROOKLINE POLICE DEPARTMENT

Pursuant to Article 8.30 of the Town of Brookline's By-Laws, new applicants for the following licenses must submit a full set of fingerprints to the Brookline Police Department within ten (10) days of the date of the license application for the purpose of conducting a state and national criminal record background check:

- Liquor Licensees
- Managers or Alternate Managers of a Liquor Licensee
- Registered Marijuana Dispensary (RMD) Licensees
- RMD Executives, Directors, and Managers
- Hawkers and Peddlers
- Hackney Carriage (Taxi) Operators
- Solicitors and Canvassers
- Dealers in Junk, Second-Hand Articles and Antiques
- Second-Hand Motor Vehicle Dealers
- Ice Cream Truck Vendors

The fee for fingerprinting is \$50.00. Payment must be made to the Police Department at the time of fingerprinting only by check or money order made payable to the Town of Brookline.

Please be advised that if you are fingerprinted by the Police Department in connection with a license application, your fingerprints will be used to check your criminal history records available through the United States Federal Bureau of Investigation ("FBI").

All criminal record background checks will be conducted in conformity with applicable law and policies concerning licensing-related criminal record background checks, including the Town's CORI Policy for Licensing and the Police Department's Fingerprint-Based Criminal Records Background Checks Policy.

APPENDIX C - INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD (from <http://www.mass.gov/eopss/docs/chsb/cori-process-correcting-criminal-record-2012.pdf>; see also <http://www.mass.gov/eopss/agencies/dcjis/procedure-for-correcting-a-state-or-national-criminal-record.pdf>.)

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 the Massachusetts iCORI service
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 contact the Constituent Assistance and Research Unit at 617.660.4640 between 8:00AM and 6:00PM Eastern Time, Monday – Friday or via email at iCORI.INFO@state.ma.us
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 click [here](#).
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.

APPENDIX D – 28 C.F.R. Part 16.34

Title 28: Judicial Administration

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart C—Production of FBI Identification Records in Response to Written Requests by Subjects Thereof

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§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

[Order No. 1134-86, 51 FR 16677, May 6, 1986, as amended by Order No. 2258-99, 64 FR 52226, Sept. 28, 1999]