

City of Newton

Criminal Offender Record Information Policy

The City of Newton completes criminal history screening of prospective and current employees, subcontractors, constables, volunteers, interns, and seasonal employees. Where Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work or licensing purposes, the following practices and procedures will generally be followed.

I. Conducting CORI Screening

CORI checks will only be conducted as authorized by Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, §.172, and only after a CORI Acknowledgement Form has been completed. 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.

II. 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 job applications. The City of Newton must maintain and keep a current list of each individual authorized to have access to, or view, CORI. The list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

III. CORI Training

An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI at the City of Newton will review, and will be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, if the City of Newton is an agency required by MGL c. 6, § 171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

IV. 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.

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. Verifying a Subject's Identity

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.

VI. Inquiring about Criminal History

In connection with any decision regarding employment, volunteer opportunities, internships, constable appointments, or seasonal employment, 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 question the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

VII. Determining Suitability

If the City of Newton determines, based on information as provided in section V on 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 will be made. Unless otherwise provided by law, factors considered in determining suitability may include, 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 candidate or requested by the organization.

The City of Newton will notify the applicant of the decision and the basis of the decision in a timely manner.

VIII. Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the City of Newton CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of the *DCJIS' Information Concerning the Process for Correcting a Criminal Record*.

IX. 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.

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

If you have undergone a background check by an agency that has received a criminal record from the CHSB, 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 Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling (617) 660-4640 or go to www.mass.gov/chsb/cori/cori_forms.html#pers.

The CHSB 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 CHSB waive the fee.

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 BOP" on the CHSB's website www.mass.gov/chsb/cori/cori_bop.html. The CHSB 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.

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 CARI Unit at (617) 727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.

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 (617) 727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.

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.

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/chsb/cori/cori_codes_court.html.

In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.

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.

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.