



## **BOARD OF SELECTMEN**

**Town of Middleton  
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### **C.O.R.I. POLICY ADOPTED DECEMBER 18, 2018**

#### **I. PURPOSE**

The Town of Middleton recognizes the need to ensure a safe environment for those we serve. As one means of providing a safe and credible environment, the Town has implemented this Criminal Offender Record Information (CORI) Policy.

#### **II. APPLICABILITY**

This policy is applicable to the criminal history screening of prospective and current employees, contractors, volunteers and interns, vendors, and professional licensing applicants. Where CORI and other criminal history checks may be part of a general background check for employment, volunteer work, or licensing purposes, the following practices and procedures will be followed.

This policy applies to any Town position paid, or unpaid, or contracted that may in the course of its duties have access to vulnerable populations such as the elderly, the disabled, or children or any other position that the Town must or is authorized to perform CORI checks on pursuant to law or regulation.

#### **III. CONDUCTING CORI SCREENINGS**

CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. With the exception as noted below in Annual Checks, 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. A CORI Acknowledgement Form may be withdrawn by providing the Town with written notice thereof.

##### **Initial CORI Checks**

All prospective and current employees, contractors, volunteers and interns, vendors, and professional licensing applicants of the Town of Middleton will be subject to a CORI screening in accordance with this policy after a conditional offer of employment, volunteer assignment or other municipal relationship has been made.

##### **Annual CORI Checks**

Unless inconsistent with a collective bargaining agreement, the Town may conduct annual CORI checks for those working with vulnerable populations (with reappointment to be conditioned on an updated CORI check):

- All Library Employees or Volunteers
- All Council on Aging Employees or Volunteers
- Recreation Commission Employees or Volunteers who are running programs or classes where children age eighteen (18) or younger will participate

- All Fire and Police Department Employees
- All Emergency Management Team Members and Volunteers
- Any other employee where appropriate

#### **IV. 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 Town of Middleton 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.

#### **V. CORI TRAINING**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Town of Middleton 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, the Town of Middleton is an agency required by MGL c. 6, s. 171A to maintain a CORI Policy, therefore, the Town of Middleton shall ensure that 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.

#### **VI. 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.

#### **VII. 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.

#### **VIII. INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, housing, or professional 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. The source(s) of the criminal history record is also to be disclosed to the subject.

#### **IX. DETERMINING SUITABILITY**

If a determination is made, based on the information as provided in section VII 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, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record 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; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

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

#### **X. 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 immediately in accordance with 803 CMR 2.18 and/or 2.19, as applicable. The subject shall be provided with a copy of the organization's 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 DCJIS' Information Concerning the Process for Correcting a Criminal Record.

#### **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.