

## **DEPARTMENT OF PUBLIC SAFETY CORI POLICY**

### **I. Policy Purpose**

For certain licensees the Department of Public Safety (“Department”) is required or authorized to conduct criminal history inquiries. The following procedures are hereby adopted by the Department for purposes of obtaining and reviewing criminal offender record information (CORI).

### **II. Scope**

This policy shall apply to all applicants for certain licenses submitted to and issued by the Department in accordance with applicable laws and regulations.

### **III. Procedure**

1. The Department will register annually for iCORI service, a secure web-based service through which organizations will request and receive Criminal Offender Record Information (“CORI”), at [www.mass.gov/cjis](http://www.mass.gov/cjis). iCORI training documents can be found at <http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/icori-training-documents.html>.
2. Upon application for any applicable license where a CORI check is required or authorized, an applicant shall provide to the Department a completed CORI Acknowledgement Form provided by the Department of Criminal Justice Information Services (DCJIS). CORI checks will only be conducted as authorized by the DCJIS and M.G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. CORI will only be accessed for applicants who are otherwise qualified for the credential for which they have applied. If a new CORI check is to be made on an applicant within one year of his/her signing of the CORI Acknowledgement Form, the applicant shall be given 72 hours notice that a new CORI check will be conducted.
3. The applicant shall be informed in writing either on the face of the application or in an attached written document that by completing the CORI Acknowledgement Form, the applicant is consenting to a criminal background inquiry which shall be used to determine suitability for licensure. The applicant shall be further informed on the face of the application or in an attached written document that consideration for licensure will only be granted upon completion of both the application and the CORI Acknowledgement Form.
4. All CORI obtained from the DCJIS is confidential, and access to the information is 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 Department will maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list will be updated every six months and is subject to inspection upon request by the DCJIS at any time.

5. The Department shall maintain a secondary dissemination log to record any dissemination of CORI outside of the Department, including at the request of the applicant.

6. All personnel authorized to review or access CORI at the Department will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

7. Once the applicant provides consent to conduct a criminal background inquiry, the Department shall submit a CORI request using the iCORI service. In most cases, results will be returned instantaneously.

8. 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.

9. At such time as the results of CORI are made available, the Department shall act expeditiously to make a determination of suitability of licensure.

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.

Factors considered in determining suitability may include, but not be limited to: (a) relevance of the record to the license sought; (b) the nature of the work to be performed under the license sought; (c) time since the conviction; (d) age of the applicant 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 Department.

The Department shall follow, in making its suitability determination, its *Guidelines for Evaluating Criminal Offender Record Information (CORI)* and its *CORI Evaluation Criteria – Tables A to C* appendix, available at: <http://www.mass.gov/eopss/agencies/dps/cori-policy.html>

10. In the event that the applicant is to be questioned regarding his or her criminal record, the applicant shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to such questioning. The source(s) of the criminal history record shall be disclosed to the applicant.

11. If the Department is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. 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*.