



# Commonwealth of Massachusetts

## EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

### **Criminal Offender Record Information Policy for the Emergency Assistance Family Shelter Program**

The purpose of this policy is to establish a standardized policy and procedure (“CORI Policy”), pursuant to 803 CMR 2.18, for the Executive Office of Housing and Livable Communities’ (“EOHLC”) Emergency Assistance (“EA”) Family Shelter Program regarding the review of criminal records for all applicants and their household members 18 years of age and older. EOHLC is granted access to Criminal Offender Record Information (“CORI”) by the Department of Criminal Justice Information Services (“DCJIS”) to screen applicants and participants of the EA Family Shelter Program. M.G.L. ch. 6, § 172(a)(6); 803 CMR 2.09(2). The following practices and procedures will be followed with respect to CORI and placement in the EA Family Shelter Program, including Bridge and Rapid Shelter Tracks, and Clinical and Safety Risk (“CSR”) sites, and Temporary Respite Center (“TRC”) sites overseen by the Executive Office of Health and Human Services. All personnel authorized to conduct criminal history background checks by EOHLC and/or to review CORI information will be expected to review, and be thoroughly familiar with, the CORI Policy.

#### **I. Conducting CORI Screening**

CORI checks will be conducted on all family members applying to the EA Family Shelter Program 18 years of age and older. As authorized by the DCJIS and M.G.L. ch. 6, § 172, and only after a CORI Acknowledgement Form has been completed, EOHLC employees or other persons so authorized by EOHLC will conduct DCJIS Commissioner-approved level CORI screens. EOHLC will notify all applicants and their families that their CORI may be requested at any time within the one year that their CORI Acknowledgement Form is valid or until their exit from the EA Family Shelter Program, whichever occurs first. EOHLC will also conduct publicly accessible CORI screens per procedures outlined below.

#### **II. CORI Training**

All personnel authorized to review or access CORI will be expected to have reviewed, and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. M.G.L. ch. 6, § 172; 801 CMR 2.00; see also, [iCORI training materials](#).

#### **III. Access to CORI and EOHLC “Need to Know” List**

All CORI obtained from the DCJIS is confidential, and access to the information will be limited to individuals who have been designated as having a “need to know” and who are otherwise authorized pursuant to 801 CMR 2.00 to conduct the CORI screening. Individuals designated may include, for example, staff of EOHLC field offices processing applications, staff conducting the CORI review, EOHLC Division of Housing Stabilization (“DHS”) managers administering the EA Family Shelter Program, and legal advisors. EOHLC will maintain a current list of each individual authorized to view CORI. This list is updated at least once every six (6) months or as-needed and is subject to inspection upon request by the DCJIS at any time. 803 CMR 2.18.

A secondary dissemination log must be maintained if CORI is shared with any individual outside of the EOHLC CORI-registered program.

#### IV. CORI Acknowledgement Form, Verification of Identity, and Refusal/Inability to Sign

##### a. CORI Acknowledgment Form

Except in the instance of a public-access or open access CORI search,<sup>1</sup> all EA Family Shelter Program applicants and family members 18 years of age and older must sign a CORI Acknowledgement Form. 803 CMR 2.11. Prior to submitting a CORI request for any individual, EOHLC must: (1) obtain a signed CORI Acknowledgement Form; (2) verify their identify for CORI purposes pursuant to 803 CMR 2.11(5) (addressed in Section IV.b, below); and (3) sign and date the CORI Acknowledgement Form certifying that the person's identity was verified.

All family members 18 years of age and older at the time of application must complete and sign their own CORI Acknowledgment form and produce verification of identity. To complete the CORI Acknowledgement Form, the individuals must provide: (1) name, including all names that have been used by the individual or are known by the individual to appear in the CORI database; (2) date of birth, including any dates of birth for the individual that they are aware of appear in the CORI database; and (3) if available, the last six digits of the individual's social security number.

The CORI Acknowledgement Form will be valid for one year from the date of signature or until the exit from the EA Family Shelter Program, whichever occurs first.

##### b. Verification of Identity

In order to verify the identity of an individual for CORI purposes pursuant to 803 CMR 2.11(1)(b) and 803 CMR 2.11(5), one of the following methods shall be used.

###### i. *Verification in Person*

An EOHLC employee, or someone authorized by EOHLC, must review a suitable form of government-issued identification in person. The following suitable forms of identification containing a photograph are acceptable by DCJIS:

1. A passport issued by the United States or any foreign country;
2. A driver's license issued by any federal, state, or territorial government of the United States;
3. An identification card with a photograph issued by any federal, state, or territorial government of the United States;
4. A permanent residency card issued by the United States government;
5. A military identification card issued by the United States government;
6. Native American Tribal documents; and
7. Other forms of documentation as determined by DCJIS.

If an individual does not have an acceptable form of identification listed above, EOHLC may verify identity by examining in person either the person's birth certificate or social security card. Additionally, if the individual only has a foreign identification card or foreign driver's license with a photograph, EOHLC will accept it as verification.

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<sup>1</sup> Publicly accessible CORI is available to any member of the general public upon production of a subject's correct name and date of birth.

If the individual only has an expired form of identification and no birth certificate or social security card, EOHLIC will review on a case-by-case basis to determine if they may be accepted.

*ii. Notary Public*

If identity is unable to be verified in person by an EOHLIC employee or someone authorized by EOHLIC, the person may submit a notarized CORI Acknowledgement Form.

**c. Refusal/Inability to Sign or Produce Identification**

If an individual 18 years of age and older declines or is unable to sign the CORI Acknowledgement form and/or is unable to produce the necessary identification, the placement for the family will be restricted as though a Serious Crime conviction or pending charge (defined below in Section V.a.i.) exists. EOHLIC staff will proceed as follows:

1. Run an iCORI search using publicly available information;
2. If feasible, divert the applicant's family from shelter or, if the family is already otherwise placed in the EA Family Shelter Program, exit the family utilizing Diversion services, such as HomeBASE;
3. If feasible, attempt to separate the non-consenting individual from the rest of the family; and
4. Place the family into shelter, or keep the family in shelter, as applicable, treating the family as if it includes a member who was found to have a Serious Crime conviction or pending charge on their record (discussed in Section V, below).

Pursuant to the Uniform Shelter Rules, the failure of any family member 18 years of age and older to sign the CORI Acknowledgement Form will warrant termination.

**V. Review of CORI**

A CORI review will commence should any criminal record be returned during the course of an iCORI search.

**a. Findings from CORI Review – Crimes Subject to Review**

*i. Serious Crimes*

If a CORI review reveals any convictions or pending criminal charges of a Serious Crime (defined below) for an applicant or family member 18 years of age and older, EOHLIC will take one of the actions listed below.

A Serious Crime includes the following convictions or pending charges in the following categories:

1. First and second degree murder or its equivalent;
2. Felonies involving child abuse or neglect;
3. Felonies against children, including child pornography;
4. Misdemeanors involving violence against children;
5. Felonies involving spousal abuse;
6. Felonies involving rape or sexual assault;
7. Kidnapping;
8. Arson;

9. Felony assault or battery;
10. Felony drug offenses within previous three years;
11. Felony sex offense and human trafficking; and
12. Felonies or misdemeanors involving firearms, ammunition, or dangerous weapons.

If a CORI review reveals a conviction of a Serious Crime for an applicant or family member 18 years of age and older, EOHLC will take one of the below actions. EOHLC may withhold the following actions, however, if the individual submits:

1. a written assessment by a qualified mental health professional concluding in writing that the individual does not pose an unacceptable risk of harm to others in the EA Family Shelter Program; or
2. a writing from the candidate's criminal justice official, including a probation or parole officer, stating that the candidate does not pose an unacceptable risk of harm to others in the EA Family Shelter Program.

*ii. Action Protocol for Families Presently in Congregate EA Family Shelter with Serious Crimes*

For families presently placed in the EA Family Shelter Program in a congregate location, including hotels or co-shares, EOHLC will take the following actions in order as listed:

1. Attempt to exit the family using services such as HomeBASE.
2. Ask the individual 18 years of age or older with the Serious Crime on their CORI to separate from the family while the remaining family members reside in shelter, if feasible.
3. Review, on a case-by-case basis, the necessity to transfer the family to a setting posing a lower level of risk to other families in the EA system. Review will consider:
  - a. The severity of the criminal history and the potential risk it poses to other EA residents;
  - b. Risk-mitigating and risk aggravating factors related to the individual, including but not limited to, any provided letters from mental health or criminal justice professionals asserting a difference in criminal risk compared to CORI record or Uniform Shelter Rule track record of the individual during their tenure in EA program to date;
  - c. Risk-mitigating and risk aggravating factors related to the placement, including but not limited to, the physical location or layout of the shelter unit in relation to other EA families or enhanced programmatic staffing or other safety measures; and
  - d. Availability of alternative shelter units for placement.

*iii. Action Protocol for Applicants to the EA Family Shelter Program with Serious Crimes*

For individuals and families applying for EA, do the following in order:

1. If feasible, divert the applicant’s family from shelter;
2. If feasible, ask the individual 18 years of age or older with the Serious Crime on their CORI to separate from the family while the remaining family members’ application proceeds for shelter;
3. Review, on a case-by-case basis, the placement options within EA that pose lower relative risk to other families in the EA system. Review will consider:
  - a. The severity of the criminal history and the potential risk it poses to other EA residents;
  - b. Risk-mitigating and risk aggravating factors related to the individual, including but not limited to, any provided letters from mental health or criminal justice professionals asserting a difference in criminal risk compared to CORI record or Uniform Shelter Rule track record of the individual during their tenure in EA program to date;
  - c. Risk-mitigating and risk aggravating factors related to the placement, including but not limited to, the physical location or layout of the shelter unit in relation to other EA families or enhanced programmatic staffing or other safety measures; and
  - d. Availability of alternative shelter units for placement.

**b. Findings from CORI Review – Outstanding Warrant**

In accordance with M.G.L. ch. 23B, § 30, and applicable EOHLC policies and procedures, if the CORI review reveals an outstanding warrant for any offense in any court of the Commonwealth, the EA Family Shelter Program applicant or family member is not eligible for benefits if they do not resolve the warrant within 30 days of notification by EOHLC. 760 CMR 67.02(11).

**c. CORI Decisions, Questioning of an Individual, and CORI Dispute of Accuracy Process**

If EOHLC follows the above protocols based on the results of a criminal history background check and takes any adverse placement action, the individual will be notified in accordance with DCJIS regulations, 803 CMR 2.16. Additionally, should EOHLC wish to question an individual about their CORI results, EOHLC must provide them with a copy of their CORI.

The individual will be provided with the following, in either secure electronic format or notified via telephone that paperwork concerning their case must be picked up from an EOHLC field office:

1. A copy of this CORI policy;
2. A copy of their CORI (unless a copy was provided previously); and
3. Information concerning the process for correcting a criminal record according to the DCJIS.

The individual will be provided with an opportunity to dispute the accuracy of the CORI record through the DCJIS.

**VI. Data Storage and Retention**

Storage, retention, and destructions of all CORI reports, including those with a finding of “no record”, will be in accordance with DCJIS regulations at 803 CMR 2.14, including:

- Hard or paper copies of CORI shall be stored in a separate locked and secure location, such as a file cabinet. Access shall be limited to only those employees approved to access CORI.
- Electronically-stored CORI shall be password protected and encrypted. Password access shall be limited only to those employees who have been approved by X to access CORI.

CORI Acknowledgment Forms will be retained by the requestor for a minimum of one year and maximum of seven years from the date of the subject's signature, or until their exit from the EA Family Shelter Program, whichever occurs first. 803 CMR 2.14.

## **VII. Secondary Dissemination**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log must be used to record any dissemination of CORI outside EOHLIC, including dissemination at the request of the applicant.