

## **Town of Medfield**

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### **Personnel Policy**

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#### **Criminal Offenders**

#### **Record Information (CORI)**

**Date: 03/17/2025**

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### **1. INTRODUCTION**

Massachusetts law and regulations (M.G.L. c. 6, § 172) govern the use of Criminal Offender Record Information (“CORI”) and other criminal history checks by a municipality. Employees of the Town of Medfield (“Town”) are accountable to both the citizens and to the Town as its employer. The Town will strive to consider all aspects of an individual’s application process to determine suitability for public service.

### **2. APPLICABILITY**

This policy is applicable to the criminal history screening of prospective and current Town employees, license holders, volunteers, and interns.

#### **2.1. PURPOSE AND SCOPE**

The purpose of this policy is to set forth the manner in which the Town will conduct and act upon all CORI checks submitted to and received by the Massachusetts Department of Criminal Justice Information System (“DCJIS”), as part of a general background check for employment, volunteer work, or licensing purposes. Where CORI and other criminal history checks may be part of a general background check for employment, licensing, or volunteer work, the following practices and procedures will be followed.

### **3. POLICY**

#### **3.1. ACCESS TO CORI**

All CORI obtained from the DCJIS shall remain confidential, and CORI may only be disclosed to those individuals who have a “need to know” the information in order to fulfill their duties. This may include hiring managers, staff submitting the CORI requests, and staff charged with processing applications. However, every effort will be made to limit the number of individuals authorized to access or receive CORI. The Town 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. Pursuant to state regulations, all iCORI certifications are effective for two calendar years. Registrants seeking to renew their registration must do so before the end of their current effective period. Any persons authorized to access CORI are required to be retrained as a condition of registration renewal, and therefore no less than every two years.

Persons authorized to access CORI are reminded of the obligation to report any violation of the CORI laws or regulations associated with the iCORI account to DCJIS within 72 hours of learning said breach or violation, pursuant to state regulations.

### **3.2. TRAINING**

All personnel authorized to review or access CORI, which includes all personnel authorized to conduct criminal history background checks, shall review and be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### **3.3. CONDUCTING CORI SCREENING**

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 by the individual to be checked. If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every CORI check. A CORI Acknowledgement Form shall be completed on an annual basis for checks submitted for any other purposes, provided, however, that the requestor has adopted the language from the DCJIS CORI Acknowledgement Form that notifies individuals that their CORI may be requested at any time within one year that the CORI Acknowledgement Form is valid. If the requestor has not adopted the DCJIS CORI Acknowledgement Form language, then it must ensure that an acknowledgement form is completed for each and every subsequent CORI check.

### **3.4. USE OF CRIMINAL HISTORY IN EMPLOYMENT 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 laws or regulations.

### **3.5. USE OF A CREDIT REPORTING AGENCY TO CONDUCT CORI CHECKS**

If a Credit Reporting Agency (“CRA”) is used to conduct CORI checks on applicants, the Town will comply with the state regulations particular to the use of a CRA.

### **3.6. VERIFYING SUBJECT’S IDENTITY ONCE CORI RECORD IS RECEIVED**

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 the documents provided by the applicant.

### **3.7. INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, housing, or 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, and prior to making any adverse decision based upon the applicant's criminal history. The source(s) of the criminal history record must be disclosed to the subject.

All existing Town employees are instructed to immediately notify the Town in the event they are arrested, indicted, or subject to a criminal complaint brought against them. An employee's failure to notify the Town of their arrest(s), indictment(s), or criminal complaints brought against them, may be grounds for discipline, up to and including termination.

### **3.8. DETERMINING SUITABILITY**

If a determination is made, based on the information as provided in Section 3.6 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, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulation. Factors to be considered in determining suitability may include, but not be limited to, the following:

- (1) Relevance of the offense(s) noted on the record to the position or license sought, or to public housing;
- (2) The nature of the work to be performed, where applicable;
- (3) Time since the conviction;
- (4) Age of the candidate at the time of the offense;
- (5) Seriousness and specific circumstances of the offense;
- (6) The number of offenses;
- (7) Whether the applicant has pending charges;
- (8) Any relevant evidence of rehabilitation or lack thereof; and
- (9) Any other relevant information, including information submitted by the candidate or requested by the hiring authority.

The Town will notify the applicant of the decision and the basis of its decision in a timely manner.

### **3.9. ADVERSE DECISION 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 promptly in accordance with any applicable DCJIS regulations. The subject shall be provided with copies of: (1) the Town's CORI

Policy; (2) the criminal history at issue, indicating the source(s) of said criminal history; and (3) DCJIS' Information Concerning the Process for Correcting a Criminal Record, or other similar information published by DCJIS relating to the process for correcting CORI. The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI record.

### **3.10. 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.