

CITY OF SALEM CORI POLICY

1) INTRODUCTION:

This Policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers, interns, and licensing applicants.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, intern work, volunteer work, and licensing purposes, the following practices and procedures will be followed.

2) CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, Section 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 a seventy-two (72) hour notice that a new CORI check will be conducted.

3) ACCESS TO CORI

All CORI obtained from DCJIS is confidential, and access to the information must be limited to those individuals who have a need to know. Need to know individuals may include, but are not limited to: Department Heads, CORI request submitters, the City Solicitor, and staff charged with processing applications. The City of Salem must maintain and keep current a list of each individual authorized to have access to, or view, CORI. This list must be reviewed every six (6) months and is subject to inspection upon request by the DCJIS at any time.

4) CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the City of Salem 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, since the City of Salem is an agency required by MGL, c. 6, Section 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.

5) USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment, volunteer, intern, or license procedures 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 regulation.

6) 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 Acknowledgment 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.

7) INQUIRING ABOUT CRIMINAL HISTORY

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

8) DETERMINING SUITABILITY

If a determination is made, based on the information as provided in Section 5 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 subject of request by the City of Salem.

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

9) 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. The subject shall be provided with a copy of the City of Salem'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*.

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 and dissemination of CORI outside of the City of Salem, including dissemination at the request of the subject.