

BARNSTABLE COUNTY CORI POLICY

When conducting criminal background investigations, whenever criminal offender record information is obtained from the Department of Criminal Justice or any other source, Barnstable County shall maintain a written offender record information policy providing that, in addition to any obligations required by the commissioner by regulation, it will:

1. Notify the applicant of the potential adverse decision based on the criminal offender record information.
2. Provide a copy of the criminal offender record information and the policy to the applicant.
3. Provide information concerning the process for correcting a criminal record.

Any County employee authorized to conduct criminal background investigations must first complete ICORI training through the Massachusetts Office of Public Safety and Security (EOPSS). The criminal offender record information is confidential and must be handled in a discreet manner. Copies of this information must be provided to Human Resources office and maintained in a confidential and secure location.

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

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

I. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the DOIS and MGL c. 6, §. 172, and only after a CORI Acknowledgment 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 Acknowledgment Form, the subject shall be given seventy-two (72) hours' notice that a new CORI check will be conducted.

II. ACCESS TO CORI

All CORI obtained from the DOIS 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 and staff submitting the CORI requests and staff charged with processing job applications. Barnstable County 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 DOIS at any time.

III. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all human resources personnel authorized to review or access CORI at Barnstable County 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, if Barnstable County is an agency required by MGL c. 6, s. 171 A to maintain a CORI Policy, all human resources personnel authorized to conduct criminal history background checks and/or to review

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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.

IV. 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.

V. 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 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.

VI. INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment or volunteer opportunities, 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.

VII. DETERMINING SUITABILITY

If a determination is made, based on the information as provided in section V 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

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- 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.

VIII. 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 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 DOIS' *Information Concerning the Process for Correcting a Criminal Record*.

IX. SECOND DISSEMINATIONS LOGS

All CORI obtained from the DOIS is confidential and can 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.

X. CORI INFORMATION REQUEST EXCLUSIONS (MGL c. 151b, Subsection 4(9))

1. An arrest that did not result in a conviction
2. A criminal detention or disposition that did not result in a conviction
3. A first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace
4. A conviction of a misdemeanor where the date of the conviction predates the inquiry by more than 5 years
5. Sealed records and juvenile offenses