**Bourne Housing Authority**

**Criminal Offender Record Information**

**Policy**

**Adopted by the Board of Commissioners 02/15/2017**

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# Introduction

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of eligibility determination for housing assistance the following practices and procedures will be followed by the Bourne Housing Authority (BHA).

# A. Conducting Cori Screening

CORI checks will be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, §. 172 after a CORI Acknowledgement Form has been completed.

The applicable a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

CORI may also be requested from a similar entity in another state if available, if the applicant has not been residing in Massachusetts and the BHA has the legal authority to request said information. The policies herein shall apply to said requests unless laws governing said requests differ (i.e. the HA will utilize the applicable release form for CORI when applicable to an out of state request.)

# B. Access to CORI

All CORI obtained from the DCJIS 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, housing managers, staff submitting the CORI requests, and staff charged with processing of housing applications. The Housing Authority maintains and keeps a current list of each individual authorized to have access to, or view, CORI. This list is updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

# C. CORI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Housing Authority will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

# D. Use of Criminal History in Background Screening

CORI shall only be accessed for applicants who are otherwise qualified for the housing 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, regulations, administrative plan or admissions and continued occupancy policy as applicable.

# E. Verifying a Subject’s Identity

The BHA will accept the following types of government-issued identification for submission and copying with the acknowledgment form:

(a) a state-issued driver's license;

(b) a state-issued identification card with a photograph;

(c) a passport; and

(d) a military identification.

If the housing applicant does not have an acceptable government-issued identification, the BHA will verify the housing applicant's identity by other forms of documentation as determined by DCJIS.

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.

# F. Inquiring About Criminal History

In connection with any decision regarding housing, 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.

# G. Determining Suitability

If a determination is made, based on the information as provided in section E 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 housingwill 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 BHA screening criteria;

(b) The nature of the housing;

(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; and

(i) Any other relevant information, including information submitted by applicant or requested by the BHA.

For housing applicants standards for denials are set forth in the applicable administrative documents, regulations and other laws or policies governing the particular housing programs as applicable. The applicant is to be notified of the decision and the basis for it in a timely manner in accordance with these standards.

# H. Adverse Decisions Based on CORI

If the BHA is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be promptly notified of the proposed denial. The subject shall be provided with 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*.

The BHA will send the Applicant a letter offering the Applicant the opportunity to provide information to dispute, resolve, or mitigate the criminal record information. The Housing Authority may also consider evidence that any criminal activity was directly related to or resulting from incidents of Domestic Violence, Dating Violence, Sexual Assault or Stalking as Mitigating Circumstances.

Upon receipt of additional information from the Applicant, the BHA will review any information submitted and inform the Applicant of the decision. Applicant appeal rights in the Administrative Plan or other applicable policy will be provided in this notice of said decision is to deny the applicant.

# I. 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.

The secondary dissemination logs may be kept in hard copy or in electronic form. This log will contain:

• The *subject’s* name;

• The *subject’s* date of birth;

• The date and time of dissemination;

• The name of the *person* to whom the CORI was disseminated along with the name if the organization for which the person works, if applicable; and

• The specific reason for dissemination.

Secondary logs are subject to audit by the DCJIS.

# J. CORI Representative

The BHA will have at least one CORI Representative. The CORI Representative is charged with the following responsibilities:

• Read and review DCJIS CORI regulations;

• Assign a backup CORI representative;

• Enter organization user information and maintain user accounts;

• Confirm all organization users have reviewed and understand DCJIS trainings;

• Keep all organization registration and contact information up to date;

• Ensures the BHA has a CORI policy;

• Maintains and keeps up‐to‐date a list of all individuals authorized to view CORI;

• Annually renew the organization’s registration; and

• Maintain authorized consumer reporting agency information where applicable.

# K. CORI Storage

All information contained in CORI responses is confidential**.**  Individuals may not view or have access to CORI information unless previously authorized to do so by the BHA’s CORI Representative. The name of each individual authorized by the BHA to view, or to have access to, CORI will appear on the BHA’s list which is maintained and kept current by the CORI Representative.

Any CORI information stored electronically will be password protected and encrypted. CORI shall not be stored using public cloud storage methods. Any CORI information stored in hard copy form will be kept separately in a locked, secure location.

# L. Retention and Destruction of CORI

The Housing Authority shall destroy CORI once the purpose for which the record was requested has been accomplished. For applicants admitted to the program CORI shall be destroyed upon admission.

For applicants denied admission, CORI shall be destroyed after the time period for the filing of a challenge to the BHA denial or the disposition of challenge and/or litigation.

The BHA shall destroy hard copies of CORI by shredding or otherwise before disposing of CORI.

The BHA shall destroy electronic copies of CORI by deleting them from the hard drive on which they are stored and from any system used to back up the information before disposing of CORI.

The BHA shall appropriately clean all information by electronic or mechanical means before disposing of or repurposing a computer used to store CORI.

# M. Sex Offender Registry Board (SORB)

A BHA will carry out background checks necessary to determine whether a member of a household applying for admission is subject to a lifetime sex offender registration requirement under a State sex offender registration program. This check will be carried out for Massachusetts and for other states where the household members are known to have resided.

The BHA will search both the Massachusetts Sex Offender Registry Board (SORB) website and the Dru Sjodin National Sex Offender database. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. A record of this screening, including date performed, will be retained. The BHAs will destroy the results of the search in accordance with 24 CFR 5.903 (g).

• Massachusetts Sex Offender Registry Board (SORB) - http://www.mass.gov/sorb

• United States Department of Justice National Sex Offender Public Registry - <http://www.nsopr.gov/>

In Massachusetts, whether a person is a lifetime registrant depends on the crime they committed, NOT on whether they are classified as level 1, 2 or 3. Section 178G of M.G.L. c.6 states that the duty to register ends 20 years after conviction, adjudication, or release from jail, unless the person has committed certain types of crimes, in which case he must register for his lifetime. The BHA will consult with legal counsel on a case by case basis to determine if the registrant would be properly classified as a lifetime registrant based upon the crime(s). Further, it is possible an individual may be denied assistance if the crime is determined to be of the type which would qualify as grounds for denial under the standards for the particular program for which the applicant is applying even if the individual is not required to register for life.

# Mitigation Letter

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Notice of Proposed Denial of Participation in Housing Program**

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

This letter is to inform you that the Housing Authority has made a preliminary determination that you may not be eligible for Bourne Housing Authority assisted housing (Public Housing, or Voucher Program) based upon Criminal Offender Record Information.

This determination has been made taking into account applicable federal and state laws, regulations and housing authority policy. This means that the BHA plans to deny your application for housing assistance.

The Housing Authority is considering making this decision for based upon Criminal Offender Record Information (CORI): The portion of the record which we believe makes you ineligible is as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**This letter serves as your opportunity to dispute the accuracy and relevance of the information.**

Enclosed you will find: The DCJIS’ *Information Concerning the Process for Correcting a Criminal Record*, and a copy of your criminal record which was provided to the BHA by the Department of Criminal Justice Information Services.

You may submit evidence of mitigating circumstances or other information you would like the BHA to consider in writing within ten (10) calendar days from the date of this letter and such information will be considered and a decision made thereon.

If you and/or any member of your household is/are a person(s) with a disability according to federal or state law and you feel that you and/or your household member needs a reasonable accommodation in the Housing Authority's policies or procedures, you may request a reasonable accommodation.

If you and/or or an individual affiliated with you is/are the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking and need certain circumstances considered or reviewed as mitigating circumstances, you may also indicate this within your written submission to the BHA.

After such time has expired to make your request or a consideration of written submission is made and the Housing Authority’s proposed determination is upheld, you will be sent a formal denial letter which contains your appeal rights.

Sincerely,

Enclosures: CORI, DCJIS’ *Information Concerning the Process for Correcting a Criminal Record*

Federal Programs additional enclosure VAWA Notice and VAWA Certification Form

Translation notice

# CORI Acknowledgment Form

The CORI Acknowledgment Form is a fillable form which may be found on the DCJIS website at:

<http://www.mass.gov/eopss/agencies/dcjis>

#   [Information Concerning the Process In Correcting a Criminal Record](file:///C%3A%5CUsers%5CManette%5CDocuments%5Ccori%5Ccori%20manual.docx#_Toc344979282)

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 or by calling (617) 660-4640 or go to the Massachusetts iCORI service

2. The DCJIS charges $25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS waive the fee.

3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please contact the Constituent Assistance and Research Unit at 617.660.4640 between 8:00AM and 6:00PM Eastern Time, Monday – Friday or via email at iCORI.INFO@state.ma.us

4. The DCJIS does not offer “walk-in” service but you may call our Legal Division at (617)660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617)727-5300.

5. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation Department at the court where the charges were brought and request that the case(s) be updated.

6. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.

7. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please click here.

8. In some situations of identity theft, you may need to contact the DCJIS to arrange to have fingerprints analysis conducted.

9. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.

10. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617) 660-4640.

# Central Secondary Dissemination Log

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. This central secondary dissemination log is used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject.

s*ubject’s* name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*subject’s* date of birth:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

date and time of dissemination:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

name of the *person* to whom the CORI was disseminated along with the name if the organization for which the person works:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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The specific reason for dissemination:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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CORI certified staff member:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print and sign name and date

BHA CORI Representative:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print and sign name and date