



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

The Commonwealth of Massachusetts

Executive Office of Public Safety

Criminal History Systems Board

200 Arlington Street
Chelsea, Massachusetts 02150

Tel: (617) 660-4600
TTY Tel: (617) 660-4606
Fax: (617) 660-4613
www.mass.gov/chsb

Edward A. Flynn
Secretary of Public Safety

Barry J. LaCroix
Executive Director

FREQUENTLY ASKED QUESTIONS REGARDING ANOTHER PERSON'S CORI

1. All of the identifiers in the criminal record that I received back from your agency do not match up to the identifiers that were provided to you. Is this the same person's criminal record?

The information that was provided to you was the closest match this agency could find based upon the information that was provided. There should be some identifier in the criminal record that matches the information provided this agency. If no identifiers exist, kindly re-submit the request. It is always up to the requesting organization to determine whether the criminal record received is in fact the record of the person being screened.

2. The name requested appears as an alias on the criminal record we received back from you. Is it the same person?

Generally, the name detailed at the top of the record is considered the owner of the record. Any aliases that follow the name refer to additional names known to have been used by the primary owner of the record. It is up to the requesting organization to determine whether the criminal record received is in fact the record of the person being screened.

3. All or some of the identifiers match the information that was provided to you but the person we requested information on is claiming that it is not him. Where do we go from here?

Massachusetts' criminal records are not currently supported by fingerprints. As a result, there are never any guarantees that a match is in fact the person queried. You may share the information you received from this agency with the person whose record you requested and work with him and the probation department of the court in which the charges were brought to determine whether or not the criminal record refers to the person queried.

4. The record we received back from your agency shows a conviction but the person queried is claiming that the case was dismissed. Where do we go from here?

The information that you received from this agency was provided to us by the Department of Probation. This agency controls access and dissemination of criminal records. The Department of Probation inputs the data onto the record. You may share the information you received from this agency with the person

whose record you requested and work with him and the probation department of the court in which the discrepancies exist to determine the accuracy of the information provided.

5. I would like to fire my employee or not hire the applicant based upon their criminal record. Can I?

Any questions regarding the use of criminal offender record information should be brought to your own legal counsel's attention. You may also want to contact the Massachusetts Commission Against Discrimination with regard to same.

6. Can I share a copy of the criminal record I received back from your agency with the person whom we requested the criminal record information?

Yes, but it you are advised to have them sign a receipt for same. The individual may also receive a copy of his/her criminal record free of charge from the CHSB.

7. I just received back a copy of an applicant's or employee's criminal record and they have admitted as much. Do your regulations prohibit me from hiring or keeping them?

This agency does not involve itself with such issues. It is chiefly concerned with the access to and dissemination of criminal offender record information. Employment issues need to be brought to the attention of your legal department.

8. I just received back a copy of a person's criminal record and I need to know whether or not the offenses listed are felonies or misdemeanors. Can you tell me?

The information this agency has provided you does not list the chapter and section of the law the person was charged under. Such information is necessary to determine whether or not the offense is or was a felony or misdemeanor. This criminal history provided is only a general overview of the types of charges brought against the person. Implicit in your certification to access CORI is the right to request or require the person to provide more information on the offenses provided you by this agency. Certified court documents will reveal the exact chapter and section. A quick look at that specific chapter and section in the Massachusetts General Laws will reveal whether or not the offense is a felony or misdemeanor. You are advised to discuss this with your legal counsel.

9. Who should have access to CORI at the school or district?

In determining who will access CORI on behalf of the school or district, please consider that centralized coordination of the CORI process by the superintendent or human resources director may make sense in smaller school districts. However, in some large districts school officials may decide that CORI is best handled by each school principal. Also, once the information is received from the CHSB the district needs to determine who will be responsible for any follow-up that may be necessary.

10. When do we have our employees sign the Request forms in order to do criminal background checks?

The school or district should establish procedures for disseminating and collecting the forms. For example, the district may wish to require prospective employees to complete the Request Form at the

time they submit a job application. Parents and others who anticipate volunteering during the school year may be asked to complete the form at the beginning of the school year or the semester. The Legal Division of the CHSB will provide you with the appropriate forms to be copied on your letterhead and an explanation on how to submit the CORI request forms for processing. Please retain copies of the Request forms for your file as the CHSB and submit your forms via disk (for request over 10 names). If you are submitting less than 10 Request forms, you may submit the Request forms to CHSB for processing. At this point, the CHSB is not aware of how Request forms may be signed electronically and is researching this area of the law regarding electronic signatures.

11. What are the penalties for unlawfully requesting or disseminating CORI?

It is a crime punishable by one year in the House of Correction and/or a \$5,000 penalty to willfully request, obtain, or seek to obtain CORI under false pretenses or to willfully communicate or seek to communicate CORI to any agency or person not authorized to receive CORI. There are also civil penalties for violation of the CORI law.

12. Who should have access to CORI at the school or district?

In determining who will access CORI on behalf of the school or district, please consider that centralized coordination of the CORI process by the superintendent or human resources director may make sense in smaller school districts. However, in some large districts school officials may decide that CORI is best handled by each school principal. Also, once the information is received from the CHSB the district needs to determine who will be responsible for any follow-up that may be necessary.

13. As a taxicab company, how does the new law affect my company?

If your company currently contracts with schools to provide school-related transportation of children, your company is required to provide the school with the names and dates of birth of employees which will have direct and unmonitored contact with children. Although, not required by the new law, your company may apply for certification to screen employees for conviction and pending information.

14. Our school has employed a person for x number of years; we recently conduct a CORI and found that the employee has questionable information on their CORI. May we terminate his/her employment?

The CHSB may not give legal advice concerning whether or not to terminate employees based on their CORI. This information should be directed to your school's legal counsel regarding reasons for termination.