

FRAMINGHAM POLICE DEPARTMENT		Next Review Date: Annually
Subject: Criminal Offender Record Information (CORI)		Effective Date: July 01, 2003
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:		POLICY 700-1
Distribution: Police Department	Issuing Authority <i>Lester Baker</i> Lester Baker Chief of Police	

Policy Statement

The Massachusetts Department of Criminal Justice Information Services (DCJIS) provides for and exercises control over the Criminal Justice Information System.¹ The purpose of this system is to ensure the prompt collection, exchange, dissemination and distribution of CORI as may be necessary for the efficient administration and operation of criminal justice agencies, and to connect such systems directly or indirectly with similar systems in Massachusetts or other states.

The regulations concerning the dissemination of Criminal Offender Record Information change periodically and officers should make every effort to stay familiar with changes in this very important field.

References

None

Special Terms

Department of Criminal Justice Information Services (DCJIS): The Commonwealth agency statutorily designated to provide for, manage, and exercise control over the installation, operation, and maintenance of a public safety information system and network including, but not limited to, a criminal justice information system, and other duties provided in 803 CMR.²

Criminal Justice Agency (CJA): An agency in Massachusetts at any level of government which performs as its principal function activities relating to:

- crime prevention, including research or the sponsorship of research;
- the apprehension, prosecution, adjudication, incarceration, or rehabilitation of juvenile or criminal offenders; and/or
- the collection, storage, dissemination, or usage of juvenile or criminal offender record information.

Criminal Justice Information System (CJIS): The computer system maintained by DCJIS which contains criminal justice information including: criminal histories; records of wanted persons and stolen property; judicial restraining orders; and missing persons.

Criminal Offender Record Information (CORI): Records or data in any communicable form which meet all the following criteria such that they:

- (a) are compiled by a Massachusetts criminal justice agency;
- (b) concern an identifiable individual;
- (c) relate to the nature or disposition of any one of the following:
 1. a criminal charge;
 2. an arrest;
 3. a pre-trial proceeding;
 4. any other judicial proceeding;
 5. a previous hearing conducted pursuant to M.G.L. c. 276, § 58A where the defendant was detained prior to trial or released with conditions under M.G.L. c. 276, § 58A(2);
 6. sentencing;
 7. incarceration;
 8. rehabilitation; or
 9. release.
- (d) are recorded in a criminal proceeding that was not:
 1. dismissed before arraignment; or
 2. subject to the filing of a nolle prosequi before arraignment;

- (e) concern an individual, who:
 - 1. has reached 18 years of age or older;
 - 2. prior to September 18, 2013, had reached 17 years of age or older; or
 - 3. was younger than 18 years old, but was adjudicated as an adult in superior court or adjudicated as an adult after transfer of a case from a juvenile session to another trial court department.
- (f) concern offenses that are punishable by incarceration.

CORI shall not include:

- (a) information recorded in a criminal proceeding that was dismissed before arraignment;
- (b) information recorded in a criminal proceeding in which a *nolle prosequi* was filed before arraignment;
- (c) information concerning criminal offenses or acts of delinquency committed by any individual younger than 18 years old on or after September 18, 2013 or 17 years of age prior to September 18, 2013, unless the individual was adjudicated as an adult;
- (d) photographs, fingerprints, or other identifying data of an individual used for investigative purposes, except where it meets the definition of CORI in 803 CMR 2.03;
- (e) evaluative information;
- (f) statistical and analytical reports and files in which individuals are not directly or indirectly identifiable;
- (g) intelligence information;
- (h) information regarding any offenses which are not punishable by incarceration;
- (i) booking photographs;
- (j) daily police logs, arrest registers, or other similar records compiled chronologically;
- (k) chronologically maintained court records of published judicial proceedings;
- (l) decisions of the Parole Board; 6/11/21 803 CMR - 8 803 CMR: DEPARTMENT OF CRIMINAL JUSTICE INFORMATION SERVICES 2.03: continued
- (m) published records of public court or administrative proceedings;
- (n) published records of public judicial, administrative, or legislative proceedings;
- (o) federal criminal record information; or
- (p) anything otherwise excluded by law.

Dissemination: The release of CORI in any communicable form.

Evaluative Information: Records, data, or reports concerning identifiable individuals charges with crime and compiled by criminal justice agencies which

appraise mental conditions, physical conditions, extent of social adjustment, rehabilitative progress, and the like, and which are primarily used in connection with bail, pretrial, or post-trial release proceedings, sentencing, correctional, and rehabilitative planning, probation, or parole. Such information is not included in CORI but its dissemination is restricted by 803 CMR and M.G.L. c. 6, s. 172 and s. 178.

Intelligence Information: Records and data compiled by a criminal justice agency for the purpose of criminal investigation, including reports of informants, investigators, or other persons, and information obtained from any type of surveillance associated with an identifiable individual. Intelligence information shall also include records and data compiled by a criminal justice agency for the purpose of investigating a substantial threat of harm to an individual, or to the order or security of a correctional facility.³

Policy

It is the policy of this department to:

- Have access to the Criminal Justice Information System and make CORI data gathered by the department available to the System;
- Make CORI data maintained by the department available, upon request, to those persons authorized by statute to receive it; and
- Protect the privacy interests of defendants while balancing the public's right to know with the need for effective law enforcement.

I. Administrative Procedures

- A. The department shall keep/maintain direct terminal access to the Criminal Justice Information System (CJIS).
 1. In order to obtain direct terminal access to the CJIS terminal for entering data into and accessing the system (which includes CORI data), the department must submit a New User Agreement to DCJIS.⁴
 2. Following receipt of "Terminal Agency" status from DCJIS, the department shall submit a New User Agreement to DCJIS within the days of the appointment.
- B. Only those officers and employees of the department as determined by the Police Chief to require CORI for the actual performance of their criminal justice duties shall have access to CORI. The Chief shall maintain a list of authorized employees by position, title, or name, for inspection by DCJIS.⁵

- C. The department shall enter and maintain CORI for which it is responsible into the Criminal Justice Information System. Quality assurance procedures established by DCJIS must be followed.
- D. The department shall maintain a list of CORI disseminated and the individuals and agencies to whom it has released or communicated CORI information.⁶ These listings shall be maintained for at least one year after the date of dissemination and shall be made available for inspection by DCJIS.⁷

II. CORI Inclusions and Exclusions

A. Statistical Records and Reports

- 1. CORI shall not include statistical data in which individuals are not identified and from which identities are not ascertainable.⁸

B. Juvenile Data

- 1. No information concerning a person less than eighteen years of age is CORI unless that person is adjudicated a youthful offender under G.L. c. 119, s. 58.⁹ Although this information is not CORI, it shall be treated as confidential and all reasonable measures taken to prevent its unauthorized disclosure, release, publication, or dissemination.¹⁰

C. Evaluative Information

- 1. CORI includes evaluative information. The access to and utilization of evaluative information is governed by 803 CMR 204.¹¹

D. Intelligence Information

- 1. CORI excludes intelligence information.¹²

E. Minor Offences

- 1. CORI excludes minor offenses (offenses not punishable by incarceration).¹³

F. Photographs and Fingerprints

- 1. CORI includes fingerprints, photographs, and other identification data that is recorded as the result of criminal proceedings,

however, CORI shall not include the above information used for investigative purposes if the individual is not identified.¹⁴

III. Access to Information – Members of the Public

A. Daily Logs

1. Departmental daily logs are not classified as CORI. Departmental daily logs, listing in chronological order all responses to all valid complaints received, crimes reported, the names, addresses, and charges against persons arrested are available to the public during regular business hours, provided that no alphabetical arrestee, suspect or similar index is provided.¹⁵ Entries protected by law, such as reports of rape,¹⁶ shall not be made available.

B. Deceased Persons

1. An individual's privacy rights pursuant to the CORI statute end when the person dies. The department may disseminate CORI on a deceased person upon proof of death (e.g., death certificate, appointment of estate administrator, executor, executrix, etc.).¹⁷

- C. When the Department has official responsibility for a pending criminal investigation, it may release to any person, CORI specifically related to and contemporaneous with the investigation, in accordance with (803 CMR 2.04(5)(a)).¹⁸

IV. Access to CORI – CORI Relating to the Requester

- A. Upon request, the department shall provide all Department maintained CORI relating to the individual making the request. The individual must:

1. Complete the appropriate departmental form and;
2. Show positive identification to the officer accepting the form.

- B. Such person has the right to inspect and copy CORI relating to him or her.¹⁹

1. (S)he shall receive, if practicable, a computer printout or a photocopy of CORI, including personal identifiers, referring to him or her and/or make and retain a written summary or notes of the CORI.

2. The keeper of records shall review all information prior to release.
 3. If no CORI referring to the requesting individual can be found in the department's files, this fact shall be disclosed to the individual, in writing if requested.
 4. The department may impose a reasonable charge for copying services, not to exceed its usual charges to the public for such services, or the actual cost of such copying, whichever is less.²⁰
 5. When the CORI records sought to be inspected and copied are in manual systems, the department may prescribe reasonable hours and places of inspection, and may impose such additional restrictions (subject to approval by the CHSB), including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them.²¹
 6. All requests shall be responded to as soon as practicable but no later than 10 days after receipt of the request.
- C. CORI maintained in CJIS shall be available for inspection by the individual to whom it refers. Such requests shall be made in writing to the offices of DCJIS.
- D. Any individual who is denied to right to inspect or copy CORI relating to him or her may, within 30 days of such denial, petition DCJIS for an order requiring the release of such CORI. DCJIS shall act on such petition within 60 days of receipt.
- E. Any person who believes that his/her CORI is inaccurate, incomplete or misleading may submit in writing a request to the department having custody or control of the record(s) containing the CORI. The written request must describe with reasonable specificity the inaccurate, incomplete, or misleading CORI, and shall describe the modification necessary to correct the inaccurate, incomplete or misleading CORI.
- F. The department shall evaluate the request:
1. If the department determines that the CORI is inaccurate, incomplete, or misleading, the department shall make the necessary corrections to the record and notify the individual of the actions taken.
 2. If the department determines that the CORI is not inaccurate, incomplete, or misleading, the individual shall be notified of the

department determination and the record shall not be modified.

- G. When the department declines to modify the record(s) complained of in accordance with the request of the individual, [s]he may file a written complaint with DCJIS.²²
- H. Where the record in question is determined by DCJIS to contain inaccurate, incomplete or misleading CORI, the department shall make the necessary corrections upon order of DCJIS.²³
- I. Lawyers may obtain their client's CORI upon presentation of a notarized third-party access form signed by the record subject. Forms are available from DCJIS. Family members of the record subject may also use this form to obtain CORI for the record subject.
 - 1. Lawyers must get a court order to obtain the CORI records for someone other than their client(s).

V. Access to CORI – Certified Agencies and Individuals

A. General

- 1. CORI and evaluative information shall be provided to agencies and individuals certified by DCJIS. Such agencies (other than criminal justice agencies) and individuals shall be required to show a letter of certification from DCJIS before CORI is released.
- 2. DCJIS maintains a list of all agencies certified under M.G.L. c 6, s. 172(a)(b)(c) and s. 173 to receive CORI.

B. Other Police Departments: The department may disseminate CORI to any other criminal justice agency appearing on the CORI list in CJIS.²⁴

C. Department of Social Services

- 1. Upon request by the Department of Social Services (DSS) or the Department of Youth Services, the department may release certain CORI data for the sole purpose of evaluating foster and adoptive homes.²⁵ CORI that may be released for this purpose is limited to:
 - a. Arrest data;
 - b. Conviction data;
 - c. Sealed record data; and
 - d. Juvenile arrest and conviction data.²⁶

2. CORI data may be accessed and copied by social workers of DSS or any agency under contract to DSS, in order to complete an investigation of child abuse or neglect, pursuant to M.G.L. c. 119, s. 51A.²⁷ Access is limited under the following conditions:
 - a. The CORI data must be in the possession of a "mandated reporter" of child abuse as defined in M.G.L. c. 119, s 51A, which includes police officers;
 - b. The DSS investigator must be conducting an investigation of child abuse or neglect, and is within the ten-day investigation period set by M.G.L. c. 119, s 51B when the CORI data is accessed. This ten-day investigation period shall be verified in writing by a DSS supervisor, or supervisor of an agency under contract to DSS on a form provided by the CHSB; and
 - c. The CORI data disclosed must be relevant to the specific investigation of child abuse or neglect.²⁸
3. Departments disclosing information to DSS for child abuse investigations are protected from liability relating to this disclosure.²⁹

D. Employers of Persons Caring for the Elderly or Disabled

1. The department shall release CORI on persons caring for the elderly or disabled upon request by that person's employer. The requester is required to show a letter of certification from DCJIS.

This includes persons who are accepted as volunteers or referred to a client as someone who will provide care, treatment, education, training, transportation, delivery of meals, instruction, counseling, supervision, recreation or other services in a home or in a community-based setting for any elderly or disabled individual or who will have direct or indirect contact with such elderly or disabled persons or access to such persons' files.³⁰

- E. Agencies to Which CORI shall **NOT** be released: The department shall not release CORI to the following agencies. They shall be told to submit their request directly to DCJIS.

1. Military recruiters.
2. Insurance companies, however “sanitized” reports may be given to insurance companies if CORI is segregated from other data in the reports.³¹
3. School departments.³²

VI. Access to Non-Guilty Dispositions and Sealed Records

- A. All CORI relating to criminal proceedings which resulted in a non-guilty disposition and all sealed records shall not be released, except in the following circumstances:³³
1. To the Department of Social Services and the Department of Youth Services for the sole purpose of evaluating foster and adoptive homes;³⁴
 2. To DCJIS where necessary to discharge its statutory responsibilities;
 3. To the individual to which the CORI pertains;
 4. To any criminal justice agency only to the extent necessary to conduct a pending criminal investigation or criminal proceeding or a pre-employment investigation of prospective criminal justice personnel; or
 5. Pursuant to a court order.

VII. III (Triple I) Computer Checks

- A. All Triple I inquiries must contain the following information:
- Full name of the requesting person
 - Who is authorizing the transaction?
 - Who is the operator of the computer making the request for information?

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- 1 M.G.L. c. 6, ss. 168, et. seq.
 - 2 M.G.L. c. 6, s. 168
 - 3 M.G.L. c. 6, s. 167
 - 4 803 CMR 7.07
 - 5 803 CMR 3.02 (2)
 - 6 M.G.L. c. 6, s. 172
 - 7 803 CMR 3.08
 - 8 M.G.L. c. 6, s. 167
 - 9 *Id.*
 - 10 M.G.L. c. 19, s. 60 A
 - 11 *Id.*
 - 12 *Id.*
 - 13 *Id.*
 - 14 803 CMR 2.04
 - 15 M.G.L. c. 41, s. 98F; M.G.L. c. 6, s. 172
 - 16 M.G.L. c.41, s. 97D
 - 17 803 CMR 2.04(11)
 - 18 *Bellin v. Kelley*, SJC-08298, Oct. 11, 2001.
 - 19 M.G.L. c. 6, s. 175
 - 20 803 CMR 6.05
 - 21 803 CMR 6.03
 - 22 M.G.L. c. 6, s. 175
 - 23 M.G.L. c. 6, s. 175
 - 24 M.G.L. c. 6, s. 172
 - 25 M.G.L. c. 6, s. 172B
 - 26 *Id.*
 - 27 803 CMR 4.02
 - 28 *Id.*
 - 29 M.G.L. c. 119, s. 51B
 - 30 M.G.L. c. 6, s. 172C
 - 31 M.G.L. c. 6, s. 172
 - 32 M.G.L. c. 71, s. 38R
 - 33 803 CMR 7.03
 - 34 M.G.L. c. 6, s. 172B