
 Cambridge Police Department	POLICY & PROCEDURES		No. 360	
	Subject/Title: Use & Access of the C.O.R.I System			
	Issuing Authority: 	Review Date: May 10, 2010	Effective Date: August 5, 2010	Review Date:
	Robert C. Haas Police Commissioner			Rescinds:
References/ Attachments:		Accreditation Standards:		

I. PURPOSE:

To establish the guidelines under which officers and non-sworn members who are authorized to access to the Criminal Offender Records Information (C.O.R.I.) System may access, utilize, and disseminate information obtained through the Massachusetts Criminal Justice Information System.

II. 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 CORI 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 striking the right balance between the public's right to know and the need for effective law enforcement.

III. GENERAL CONSIDERATIONS & GUIDELINES:

The Massachusetts Criminal History Systems Board (CHSB) provides for and exercises control over the installation, operation, and maintenance of the data processing and data communication systems known as the Criminal Offender Record Information (CORI) system.¹ The purpose of this system is to ensure the prompt collection, exchange,

¹ M.G.L. c. 6, §§ 168, et. seq.

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 area of the law.

IV. DEFINITIONS:

- A. Criminal History Systems Board (CHSB):** The eighteen board members who exercise control over the installation, operation and maintenance of processing and data communication systems, the Criminal Offender Record Information System, and other duties as provided in 803 CMR.²
- B. Criminal Justice Agency:** A state or federal court with criminal jurisdiction or a juvenile court; any state, county or local police department; any government agency which incarcerates or rehabilitates juvenile offenders as its principal function; or any government agency which has primary responsibility to perform duties relating to:
1. Crime prevention, including research or the sponsorship of research;
 2. The apprehension, prosecution, defense, adjudication, incarceration, or rehabilitation of criminal offenders; or
 3. The collection, storage, dissemination or usage of CORI.
- C. Criminal Justice Information System (CJIS):** The computer system maintained by the CHSB which contains criminal justice information, including criminal record information or histories, records of wanted persons, records of stolen property, judicial restraining orders, and missing persons.
- D. Criminal Offender Record Information (CORI):** Records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the following:
- The nature and disposition of a criminal charge;
 - An arrest;

² M.G.L. c. 6, §168.

- A pretrial proceeding;
- Other judicial proceedings;
- Sentencing;
- Incarceration;
- Rehabilitation; or
- Release.

Such information shall be restricted to that recorded as a result of the initiation of criminal proceedings or any consequent proceedings related thereto.

CORI shall not include:³

- Evaluation information;
- Statistical and analytical reports;
- Files in which individuals are not directly or indirectly identifiable;
- Intelligence information;
- Criminal offenses or acts of delinquency committed by any person before attaining the age of seventeen, provided, however, that if a person under the age of seventeen is adjudicated as an adult, information relating to such criminal offense shall be CORI; or
- Any offenses which are not punishable by incarceration.

- E. Dissemination:** The release of CORI in any communicable form.
- F. Evaluative Information:** Records, data, or reports concerning identifiable individuals charged with a crime and compiled by criminal justice agencies which appraise mental conditions, physical conditions, extent of social adjustment, rehabilitative progress, and the like 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, § 172 and s. 178.)
- G. Intelligence Information:** Records and data compiled by a criminal justice agency for the purposes of criminal investigations, including reports of informants, investigators, or other persons or any type of surveillance associated with an identifiable individual. Such information is not included in the statutory definition of CORI.⁴

³ M.G.L. c. 6, § 167

⁴ M.G.L. c. 6, § 167

V. PROCEDURES & GENERAL GUIDELINES:

- **Administrative Procedures:** This department maintains direct terminal access to the Criminal Justice Information System (CJIS) and, through that gateway, the Board of Probation. In accordance with the regulations of the Criminal History Systems Board (CHSB), the Police Commissioner has conferred administrative oversight of the department's access to the CJIS system to the Director of Emergency Communications Department.
 1. It is the responsibility of the Director of the Emergency Communications Department to develop the operational guidelines for which the employees of the Emergency Communications Center may access, utilize, and disseminate information accessed through the Criminal Justice Information System in accordance with the rules and regulations that have been promulgated by the Criminal History Systems Board (CHSB).
 2. Only those officers and employees of the Cambridge Police Department authorized by the Police Commissioner to access Criminal Offender Record Information (CORI) for the actual performance of their criminal justice duties shall have access to CORI. Under no circumstances may a member of this department access, utilize, or disseminate any information obtained through CORI for their personal use or for any other reason than to achieve the actual performance of duties.
 3. It is the responsibility of the Emergency Communications Department to maintain a list of CORI disseminated (CORI Log) and the individuals and agencies to which members of the Cambridge Police Department and Emergency Communications Department have released or communicated CORI information.⁵ These listings shall be maintained for at least one year after the date of dissemination and shall be made available for inspection by CHSB.⁶
 4. Officers and members of this department who access information from CJIS are responsible for its safekeeping and for ensuring that it is not improperly disseminated.
- **CORI Inclusions and Exclusions:**
 1. *Inclusions:*
 - **PHOTOGRAPHS AND FINGERPRINTS:** CORI includes fingerprints, photographs, and other identification data which is recorded as the result

⁵ M.G.L. c. 6, § 172

⁶ 803 CMR 3.10

of criminal proceedings. However, such information may be released to authorized personnel from CHSB agencies if used for investigative purposes if the individual is not identified.⁷

2. *Exclusions:*

- **STATISTICAL RECORDS AND REPORTS:** CORI shall not include statistical data in which individuals are not identified and from which identities are not ascertainable.⁸
- **JUVENILE DATA:** No information concerning a person less than seventeen years of age is CORI unless that person is adjudicated a youthful offender under G.L. c. 119, § 58.⁹
- **EVALUATIVE INFORMATION:** CORI excludes evaluative information. The access to and utilization of evaluative information is governed by 803 CMR 204.¹⁰
- **INTELLIGENCE INFORMATION:** CORI excludes intelligence information.¹¹
- **MINOR OFFENSES:** CORI excludes minor offenses (offenses not punishable by incarceration).¹²

C. Public Release of C.O.R.I.: There are strict controls and restrictions under which an individual may release information obtained through the CORI System. All members of the department are required to adhere to these restrictions at all times.

1. *Deceased Persons:* 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.).¹³

⁷ 803 CMR 3.10

⁸ M.G.L. c. 6, §167

⁹ M.G.L. c. 6, §167

¹⁰ M.G.L. c. 6, §167

¹¹ M.G.L. c. 6, §167

¹² M.G.L. c. 6, §167

¹³ 803 CMR 2.04(11)

2. *Criminal Investigation:* 803 CMR 2.04 allows a criminal justice agency to disclose CORI to a crime victim during an investigation if that disclosure is necessary for the actual performance of their criminal justice duties.¹⁴
3. *Search for a Person:* CORI that is specifically related and contemporaneous to the search for a person may be disclosed to aid in the search for or apprehension of that person (i.e., release of a booking photo).
4. *Public Records:* Upon request, the following is to be considered a public record however there are further restrictions with respect to who has the authority to release CORI information to public. In accordance with the regulations promulgated by the CHSB, the following CORI is considered a public record:
 - a. Criminal record information, restricted to conviction data and accessed only through CORI, including only that conviction data maintained on the automated file at the CHSB.
 - b. Information concerning custody status and placement within the correctional system.
 - c. A summary, including evaluative information, regarding the decision to release a person on a permanent or temporary basis, a denial of release or a change in custody status. This may be released by:
 - The Parole Board (except as provided under G.L. c. 177, § 130);
 - The Department of Corrections;
 - County correctional facilities; and/or
 - The Probation Department with approval of the appropriate district or superior court level judge.

D. Authorized to Release Public Information: Because the question of what material is CORI and what material is accessible by the public is complex, only the Records Management Unit Commanding Officer, or his/her commanding officer, has the authority to release CORI in response to a proper request.

1. *Information that may be released to the public:* Some CORI information is available to the public, including the following:
 - The names of persons convicted of a crime punishable by a sentence of five years or more (this does not require the person receive a five year sentence, but any sentence, even probation, for a crime punishable by five years of incarceration); or

¹⁴ *Bellin v. Kelly*, 435 Mass. 261, 755 N.E.2d 1274 (2001).

- The names of persons convicted of any crime or sentenced to any term of incarceration, regardless whether the crime is a misdemeanor or a felony and regardless whether the sentence was invoked or suspended.
2. *Time Periods When Information May be Required:* There are only certain periods, as they relate to different stages of criminal proceedings, when information may be released to the public, which includes when individuals are:
- Incarcerated;
 - On Probation;
 - On Parole;
 - Within one year of release from custody, parole, or probation supervision, after having been convicted of a misdemeanor;
 - Within two years of release from custody, parole, or probation supervision, after having been convicted of a felony; or
 - Within three years of the final discharge date:
 - After having received a state sentence;
 - After having been denied parole;
 - After having been discharged; or
 - When paroled, has been returned to custody as a parole violator.

NOTE: All court records for all criminal cases shall be made available for public inspection for one week following a person's conviction and sentencing.

3. *Requests Made by the Public:* Provisions do exist in the law and regulations to release certain portions of CORI to the general public, for example, postings on the Department's public log. It is the position of this department that all such requests shall be referred to the Criminal History Systems Board. Members of this department will not release any CORI to the general public directly, unless as required by the public log statute, M.G.L. c. 41, § 98F, or as specifically authorized by the Records Management Unit Commanding Officer, or his/her designee, or the Department Legal Advisor.

VI. CORI DISSEMINATION BY CRIMINAL JUSTICE AGENCIES:

- A. Certification Of Criminal Justice Agencies:** The Criminal History Systems Board is the regulatory agency which certifies which individuals, entities, or government agencies shall have access to Criminal Offender Record Information:
1. No CORI shall be disseminated to any agency or individual prior to certification by CHSB, unless such person or agency is specifically provided access by statute and is specifically referenced in CHSB regulations.
 2. Each agency or individual certified by the CHSB shall maintain a listing of CORI disseminated and the agencies or individuals to whom it has disseminated each item of CORI. Such information shall be on a form prescribed by CHSB and maintained for at least one year from the date of dissemination. Such listing shall be made available for audit or inspection by CHSB.
 3. The CHSB shall maintain a list of all agencies certified under M.G.L. c.6, §§ 172 (a), (b), (c) and § 173. A copy of such list is available to an agency or individual on request.
 4. Note that some entities or individuals may have access to CORI, but only for a limited purpose (i.e., to evaluate applicants for employment). In such cases, CORI may only be provided to a requesting entity or individual for that limited purpose, not in order to make a general inquiry about an individual.
- B. Persons Requesting Personal Information:** The law provides that CORI being 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 the Criminal History Systems Board. Application forms (see attached) for such requests are maintained at the department's Records Management Unit. If a request is made by an individual, the information will not be disseminated to him or her individual directly. The individual will be provided with a copy of the application form and the attached information sheet.
- C. Disseminating To Other Criminal Justice Agencies:** Criminal Justice Agencies (CJA) may disseminate CORI to any other criminal justice agency appearing on the CORI list in LEAPS. Prior to releasing CORI to another criminal justice agency, the officer must verify that the agency requesting the information is listed on the CORI list. To access this list, type "CORI" in the task field of the TRP screen and press the transmit (XMIT) key.
- D. Access by Military Recruiters:** Military recruiters may receive conviction data directly from the Office of the Commissioner of Probation. This department will

not furnish CORI to recruiters, but will refer all such inquiries to the Office of the Commissioner of Probation.

- E. Access To Insurance Companies:** Insurance Companies may receive driver history conviction information directly from the Merit Rating Board. This department will not release CORI information to insurance companies. Although criminal justice agencies may provide “sanitized” reports to insurance companies, it will be the policy of this department to refer any such inquiries to the Criminal History Systems Board.
- F. Lawyers Accessing CORI:** Lawyers may obtain their client’s CORI if they present a third party access form signed by the client or record subject. These forms are available from the CHSB. Family members of the record subject may also use this form to obtain CORI for the record subject. All such requests received by this department shall be referred to the Criminal History Systems Board.
1. Lawyers may not obtain CORI for someone other than their client(s) through a subpoena. A subpoena is insufficient. Attorneys must obtain a court order of release of the CORI record(s). The release of CORI information in response to a court order.
 2. Requires prior review by the Department Legal Advisor.
- G. CORI for Police Employment:** As the appointing authority, the City Manager may view CORI for police department screening of new applicants being considered for appointment. All such requests shall come through the Police Commissioner or his/her designee.
- H. CORI for Fire Fighter Employment:** As the appointing authority, the City Manager may view felony conviction records for firefighter employment screening. All such requests shall come through the Police Commissioner or his/her designee.
- I. CORI for Licensing Purposes:** Other city licensing authorities may not receive CORI for licensing purposes unless previously approved, in writing, by the Criminal History Systems Board (see attached application form). All such requests shall come through the Police Commissioner, provided that such approval has been granted by the CHSB.

- J. CORI for School Bus Drivers:** Although school departments may receive conviction records from local police departments to screen school bus drivers, all such requests shall be referred to the Criminal History Systems Board.
- K. CORI for Adoptive and Foster Parent Placement Agencies:** Although adoptive and foster parents placement agencies may receive conviction records from local police departments to screen prospective parents, all such requests shall be referred to the Criminal History Systems Board.
- L. Confirmation of Incarceration:** Criminal Justice agencies may confirm to individual members of the public, in response to specific inquiries, whether an individual is currently incarcerated in their facility or on some kind of release status (e.g., furlough, probation, parole).
- M. Access of CORI for Investigations and Prosecutions:** Criminal Justice agencies may disseminate CORI specifically related to and contemporaneous with their own pending criminal investigations or prosecutions. Dissemination of such material must first be approved by the Records Management Unit Commanding Officer or his/her commanding officer.
- N. Confidentiality of Suicide File:** Because of the sensitivity of suicide information, it is the policy of this department that suicide file information shall be treated in the same fashion as CORI for dissemination purposes.
- O. Release of CORI for Penal Institutions:** Although criminal justice agencies can disseminate to the public CORI relating to an escape or disturbance at a penal institution, all such requests will be referred to the penal institution or CHSB.
- P. Release of CORI on Deceased Persons:** Although an individual's privacy rights pursuant to the CORI statute end when the person dies, it is and shall be the policy of this department to refer all requests for such information to the Criminal History Systems Board.
- Q. Access to CORI by the Subject of that Record:** Under most circumstances, individuals have a right to review their own criminal history records. Individuals may also authorize others to view such records. All such requests must be submitted in writing on the CHSB Request Form (see attached). All such requests must first be approved by the Records Management Unit Commanding Officer or his/her commanding officer.

- R. Releasing CORI If In Doubt:** Anytime an officer is uncertain whether CORI may be released or disseminated, the request for such information should be referred to the officer-in-charge of the shift. If a clarification is needed, or if the Records Management Unit Commanding Officer is not certain whether the request could or should be honored, the requesting party should be referred to the Criminal History Systems Board, and/or the Department Legal Advisor

VII. TRAINING/CERTIFICATION AND AUDITING:

- A. Training/Certification:** In accordance with the regulations of the Criminal History Systems Board, only certain members of the department are authorized to access CORI.
1. All new police officers, and non-sworn members of the department who will have access to CORI, will receive training/certification as part of their initial orientation and training in the department.
 2. All members of the department who have authorization to use CORI will go through training/certification on a bi-annual basis. As part of the certification process, members of the department will be required to pass a written and practical examination.
 3. Any member of the department who is found to have violated any of the rules, regulations, statutory provisions, or department guidelines relative to the access, utilization, or distribution of CORI may be subject to disciplinary action. As part of that disciplinary action, the employee may be required to be retrained and recertified.
 4. Records of training and certifications obtained by members of the department on the use of CORI will be maintained by the Police Academy.
- B. Auditing & Review Process:** As part of the auditing process, the Professional Standards Unit will conduct periodic audits on the access and utilization of CORI.
1. Any department members found to be in violation of the rules, regulations, statutory provisions, or department guidelines relative to the access, utilization, or distribution of CORI may be subject to disciplinary action.
 2. As part of the periodic audits performed by the Professional Standards Unit, the Unit Commander should identify any reoccurring patterns of misuse, and offer recommendations relative to correcting any reoccurring patterns or practices that should be changed.