

CRIMINAL OFFENDER RECORD INFORMATION (C.O.R.I.)

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| WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 4.07 | EFFECTIVE DATE: 02/20/2022 |
| | REVISION DATE: 03/02/2023 |
| | REVIEW DATE: 03/02/2024 |

I. GENERAL INFORMATION AND 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, 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 CORI change periodically and officers should make every effort to stay familiar with changes in this very important field.

II. POLICY

It is the policy of this Department to:

- Have access to the Criminal Justice Information System (CJIS) and make CORI data gathered by the Department available to the CJIS;

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M.G.L. c. 6, §§ 168, et. seq.

- 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.

III. DEFINITIONS

Criminal History Systems Board (CHSB): The CHSB consists of eighteen members and provides for and exercises 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

Criminal Justice Agency: A state or federal court with criminal jurisdiction or a juvenile court; state, county, or local police; 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:

- Crime prevention, including research or the sponsorship of research;
- The apprehension, prosecution, defense, adjudication, incarceration, or rehabilitation of criminal offenders; or
- The collection, storage, dissemination, or usage of CORI.

Criminal Justice Information System (CJIS): The computer system maintained by the CHSB 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 and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the following:

- The nature and disposition of a criminal charge;
- An arrest;
- A pretrial proceeding;
- Other judicial proceedings;
- Sentencing;
- Incarceration;
- Rehabilitation;
- Release;

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M.G.L. c. 6, §168.

- And may include a juvenile.

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:

- Evaluation information;
- Statistical and analytical reports;
- Files in which individuals are not directly or indirectly identifiable;
- Intelligence information;
- CORI shall not be limited to information concerning persons 18 and over and shall not include any information concerning criminal offenses or acts of delinquency committed by any person before attaining the age of eighteen, provided, however, that if a person under the age of eighteen is adjudicated as an adult, information relating to such criminal offense shall be CORI; or
- Any offenses which are not punishable by incarceration.

M.G.L. c.6, s. 167 – DEFINITIONS OF EVALUATIVE AND INTELLIGENCE INFORMATION

“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, or 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. Such information is not included in the definition of CORI. Such information is not included in the definition of C.O.R.I.

Dissemination: The release of CORI in any communicable form.

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, s. 172 and s. 178.)

IV. PROCEDURES

Administrative Procedures

Computer terminal access to CORI shall be limited to certified criminal justice agencies unless such access is otherwise authorized by the CHSB. Computer terminal access to CORI, or to any other data contained on CJIS, shall be used by law enforcement or criminal justice personnel and otherwise authorized persons only for a criminal justice purpose in the performance of their official duties and responsibilities. Such CJIS data shall include, but not be limited to, CORI, juvenile records, and any and all information as provided via the Registry of Motor Vehicles, the National Law Enforcement Telecommunications System, the Interstate Identification Index, the Court Activity Record Information file (including the civil restraining order file), Corrections information, and Parole information. All such personnel or authorized persons shall be subject to a criminal record background check and will sign an agreement of non-disclosure on forms provided by the Criminal History Systems Board.

1. The Department shall keep/maintain direct terminal access to the Criminal Justice Information System (CJIS).
 - In order to obtain direct access to the CJIS terminal for data entry and retrieval, including CORI data, the Department must submit a new User Agreement to the CHSB.ⁱ
 - Following receipt of “Terminal Agency” status from the CHSB, the Department shall execute a new User Agreement biennially.
 - When a new CJIS representative, backup or a new agency head is appointed, the Department shall submit a new User Agreement to the CHSB within ten days of the appointment.
2. Under 8.03 C.M.R., only those officers and employees of the Department as determined by the chief of police or lieutenant require CJIS access for the actual performance of their criminal justice duties shall have access to CJIS/CORI. The chief shall maintain a list of authorized employees by position, title, or name, for inspection by the CHSB.ⁱⁱ
3. The Department shall enter and maintain records, including warrants, missing persons, and stolen property, for which it is responsible into the CJIS. Quality assurance procedures established by the CHSB must be followed.
4. The Department shall maintain a log of any CORI disseminated and the individuals and agencies to whom it has released or communicated CORI information.ⁱⁱⁱ These listings shall be maintained for at least one year after the

date of dissemination and shall be made available for inspection by the CHSB.^{iv} The CORI Log is in the Communications Center bookcase.

Complete record checks are conducted for every person placed under arrest or charged with a crime. Every folder forwarded to the court contains printouts of criminal record checks, including Board of Probation checks, queries of the Interstate Identification Index, queries of in-custody suicide threats, and pertinent Registry of Motor Vehicles records.

(CJIS regulations allow the inclusion of this statement in the WPD policy to fulfill our obligation to log CORI dissemination to another agency, without the need to complete a separate logging in the Secondary Dissemination Log.)

5. The department will, assure that every employee, and all affiliated people who are expected to have authorized secondary or incidental contact with such information and printouts, is provided with a copy of M.G.L c. 6, s. 167-178B, describing the provisions and penalties under CORI, and signing the department standard form Agreement of Non-Disclosure, which will be retained in employee Personnel files.

This includes all:

1. Police Officers
2. Regularly scheduled custodial staff,
3. IT vendors with responsibility for configuring and maintaining computer systems with potential access to CJIS information.
4. Interns and Ride-Along participants.

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 of this organization, including dissemination at the request of the subject.

B. CORI Inclusions and Exclusions

STATISTICAL RECORDS AND REPORTS: CORI shall not include statistical data in which individuals are not identified and from which identities are not ascertainable.^v

JUVENILE DATA: No information may be disseminated concerning a person less than eighteen years of age is CORI unless that person is adjudicated a youthful offender under G.L. c. 119, § 58.^{vi}

EVALUATIVE INFORMATION: CORI excludes evaluative information. The access to and utilization of evaluative information is governed by 803 CMR 2:04.^{vii}

INTELLIGENCE INFORMATION: CORI excludes intelligence information.^{viii}

MINOR OFFENSES: CORI excludes minor offenses (offenses not punishable by incarceration).^{ix}

PHOTOGRAPHS AND FINGERPRINTS: CORI includes fingerprints, photographs, and other identification data, which 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.^x

For a complete definition of the above categories, see C.M.R. 803.

C. Access to Information – Members of the Public (Refer people to the DCJIS website)

DAILY LOGS: Department daily logs are not classified as CORI. Department 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.^{xi} Entries protected by law, such as reports of rape^{xii} and domestic violence, shall not be made available.

All entries in said daily logs shall, unless otherwise provided in law, be public records available without charge to the public during regular business hours and at all other reasonable times; provided, however, that any entry in a log which pertains to a handicapped individual who is physically or mentally incapacitated to the degree that said person is confined to a wheelchair or is bedridden or requires the use of a device designed to provide said person with mobility, shall be kept in a separate log and shall not be a public record nor shall such entry be disclosed to the public.

DECEASED PERSONS: The protection of CORI information ceases upon the death of the individual concerned. The Department may disseminate CORI on a deceased person upon proof of their death (e.g., death certificate, appointment of estate administrator, executor, executrix, etc.).^{xiii}

CRIMINAL INVESTIGATION: A criminal justice agency with official responsibility for a pending criminal investigation or prosecution may disseminate CORI that is specifically related to and contemporaneous with an investigation or prosecution.^{xiv}

APPREHENSION: A criminal justice agency may disseminate CORI that is specifically related to and contemporaneous with the search for or apprehension of any person, or with a disturbance at a penal institution.^{xv}

D. Access to CORI – **CORI Relating to the Requester in Williamstown Police Department files ONLY.**

Upon request, the Department shall provide CORI relating to the individual making the request. The individual must:

- Complete the Departmental form named 'Public Records Request'. (Under department forms)
- Show positive identification to the officer accepting the form.

Such person has the right to inspect and copy CORI relating to him or her.^{xvi}

- (S)he shall receive, if practicable, a computer print-out 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.
- The keeper of records shall review all information prior to release.
- 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.
- 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.^{xvii}
- 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, 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.^{xviii}
- All requests shall be responded to as soon as practicable but no later than 10 days after receipt of the request.

CORI maintained in CJIS shall be available for inspection by the individual to whom it refers. Refer people to iCORI service under the DCJIS website. (See page 9)

Any individual who is denied the right to inspect or copy CORI relating to him or her may, within 30 days of such denial, petition the CHSB for an order requiring the release of such CORI. The CHSB shall act on such petition within 60 days of receipt.

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.

- The Department shall evaluate the request.
 - 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.
 - 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.
- b. 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 the CHSB.^{xix}
- c. Where the record in question is determined by the CHSB to contain inaccurate, incomplete or misleading CORI, the Department shall make the necessary corrections upon order of the CHSB.^{xx}

6. 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 CHSB. Family members of the record subject may also use this form to obtain CORI for the record subject. Lawyers must get a court order to obtain the CORI records for someone other than their client(s).

E. Access to CORI – **Certified Agencies and Individuals**

IN GENERAL

- iCORI Service: The DCJIS has a web-based iCORI service that allows non-criminal justice users, including the general public, to access Massachusetts criminal record data over the internet. **(Refer people to DCJIS website)**

- A list of agencies authorized to receive CORI s available in the CJIS Extranet.

OTHER POLICE DEPARTMENTS

The Department may disseminate CORI to any other criminal justice agency appearing on the CORI list in CJIS.^{xxi}

DEPARTMENT OF CHILDREN AND FAMILIES

Upon request by the Department of Children and Families (DCF) or the Department of Youth Services, the Department may release certain CORI data for the sole purpose of evaluating foster and adoptive homes.^{xxii} CORI which may be released for this purpose is limited to:

- Arrest data;
- Conviction data;
- Sealed record data; and
- Juvenile arrest and conviction data.^{xxiii}

CORI data may be accessed and copied by social workers of DCF or any agency under contract to DCF, in order to complete an investigation of child abuse or neglect, pursuant to M.G.L. c. 119, § 51A.^{xxiv} Access is limited under the following conditions:

- The CORI data must be in the possession of a "mandated reporter" of child abuse as defined in M.G.L. c. 119, § 51A, which includes police officers;
- The DCF 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, § 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 DCF on a form provided by the CHSB; and
- The CORI data disclosed must be relevant to the specific investigation of child abuse or neglect.^{xxv}

Departments disclosing information to DCF for child abuse investigations are protected from liability relating to this disclosure.^{xxvi}

EMPLOYERS OF PERSONS CARING FOR THE ELDERLY OR DISABLED

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 the CHSB.

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.^{xxvii}

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 the CHSB.

- Military recruiters.
- Insurance companies, however "sanitized" reports may be given to insurance companies if CORI is segregated from other data in the reports.^{xxviii}
- School Departments.^{xxix}
- d. The department cannot disclose to anyone the names and addresses of persons who own or possess any type of firearm or the names and addresses of persons who are licensed to carry and/or possess firearms except to another criminal justice agency for legitimate purposes.

F. Access to Non-guilty Dispositions and Sealed Records

All CORI relating to criminal proceeding which resulted in a non-guilty disposition shall not be released, except in the following circumstances: ^{xxx}

- To the Department of Children and Families and the Department of Youth Services for the sole purpose of evaluating foster and adoptive homes;^{xxxii}
- To the CHSB where necessary to discharge its statutory responsibilities;
- To the individual to which the CORI pertains;
- 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
- Pursuant to a court order.

All other requests for CORI shall be referred to the Chief's office.

To lawfully obtain CORI and to then furnish the information to any person or agency not authorized to receive is unlawful and may result in criminal and/or civil penalties (M.G.L c. 6, s. 177 and s. 178).

All complaints of CORI being improperly accessed or disseminated shall be handled as a citizen complaint and the Chief or Lieutenant shall be advised of

the matter. The complainant shall also be advised that they may file a complaint with the CHSB by calling (617-660-4760)

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803 CMR 7.07

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803 CMR 3.02 (2)

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M.G.L. c. 6, § 172

iv

803 CMR 3.08

v

M.G.L. c. 6, § 167

vi

Id.

vii

Id.

viii

Id.

ix

Id.

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803 CMR 2.04

xi

M.G.L. c. 41, § 98F; M.G.L. c. 6, § 172

xii

M.G.L. c. 41, § 97D

xiii

803 CMR 2.04(11)

xiv

803 CMR 2.04(5)(a)

xv

803 CMR 2.04(5)(b)

xvi

M.G.L. c. 6, § 175

xvii

803 CMR 6.05

xviii

803 CMR 6.03

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M.G.L. c. 6, § 175

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M.G.L. c. 6, § 175

xxi

M.G.L. c. 6, § 172

xxii

M.G.L. c. 6, § 172B

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Id.

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803 CMR 4.02

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Id.

xxvi

M.G.L. c. 119, § 51B

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M.G.L. c. 6, § 172C

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M.G.L. c. 6, § 172

xxix

M.G.L. c. 71, § 38R

xxx

803 CMR 7.03

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M.G.L. c. 6, § 172B