


<p>Billerica Police Department</p> 	<p>POLICY NUMBER ADM-07</p>	<p>PAGES 4</p>	<p>EFFECTIVE 10/23/15</p>
<p>Accreditation Standards: None</p> <p>General Orders:</p>			
<p align="center">Criminal Offender Record Information (CORI)</p>			

I. General Information and Guidelines

The Massachusetts Department of Criminal Justice Services (DCJIS) 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 Criminal Offender Record Information 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 the Billerica Police Department to:

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

III. Definitions

- A. Department of Criminal Justice Services (DCJIS): The Department of Criminal Justice Information Services (DCJIS) is the state's CJIS Systems Agency (CSA) and by FBI/National Crime Information Center (NCIC) policy is the responsible state authority for the quality control of all data entered into NCIC systems, managing policy compliance for all CJIS/NCIC users and providing training and testing in the use of NCIC systems. Per FBI policy, the agency also provides for the state's CJIS Systems Officer (CSO) and the CJIS Information Security Officer (ISO). The agency also participates in the National Law Enforcement Telecommunications System (NLETS), the FBI's Interstate Identification Index (III) program and the Integrated Automated Identification Systems (IAFIS).
- B. 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:
 - 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 DCJIS which contains criminal justice information, including criminal histories, records of wanted persons and 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;
 - 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:

- 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 MGL c.6, s.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 definition of CORI.²

IV. Procedures

A. Administrative Procedures

1. This department maintains direct terminal access to the Criminal Justice Information System (CJIS) and, through that gateway, the Board of Probation. See the department policy on **Computers and Data Security**.
2. 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. See the department policy on **Computers and Data Security**.
3. The department shall maintain a list of CORI disseminated (CORI Log) and the individuals and agencies to whom it has released or communicated to.³ These listings shall be maintained for at least one year after the date of dissemination and shall be made available for inspection by DCJIS.⁴

B. CORI Inclusions and Exclusions

1. Inclusions

- a. Photographs and Fingerprints: CORI includes fingerprints, photographs, and other identification data which is recorded as the result of criminal proceedings.
- b. However, such information may be released if used for investigative purposes if the individual is not identified.⁵

2. Exclusions

- a. Statistical Records and Reports: CORI shall not include statistical data in which individuals are not identified and from which identities are not ascertainable.⁶
- b. Juvenile Data: No information concerning a person under eighteen years of age is CORI unless that person is adjudicated a youthful offender under MGL c. 119, s.58.⁷
- c. Evaluative Information: CORI excludes evaluative information. The access to and utilization of evaluative information is governed by 803 CMR 204.⁸
- d. Intelligence Information: CORI excludes intelligence information.⁹
- e. Minor Offenses: CORI excludes minor offenses (offenses not punishable by incarceration).¹⁰

C. Dissemination of CORI in General ¹¹

1. CORI may be provided to another criminal justice agency for official criminal justice purposes.
2. CORI may be disseminated pertaining to a pending criminal investigation or prosecution that is specifically related to, and contemporaneous with, an investigation or prosecution. (i.e. press releases, arrest log)

Note: "Pending" is defined as those cases that have not yet reached disposition in court. In addition, there may be other laws that restrict dissemination based on crime or victim type. Also see **Police Media Relations**.

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: For further information regarding the release of public records, see the department policy on **Records Requests**.

D. Access to CORI by the Subject of That Record

1. Under most circumstances, individuals have a right to review their own criminal history records.
2. Individuals may also authorize others to view such records.
3. For more information regarding an individual's access to his or her own CORI, see the department policy on **Records Requests**.

E. Access to CORI – Certified Agencies and Individuals

1. CORI and evaluative information may be provided to agencies and individuals certified by the DCJIS.
2. For further information, see the department policy on **Records Requests**.

¹M.G.L. c. 6, §§168, et. seq.

² M.G.L. c. 6, §167.

³ M.G.L. c. 6, §172.

⁴ 803 CMR 3.10.

⁵ 803 CMR 2.03.

⁶ M.G.L. c. 6, §167.

⁷ M.G.L. c. 6, §167.

⁸ M.G.L. c. 6, §167.

⁹ M.G.L. c. 6, §167.

¹⁰ M.G.L. c. 6, §167.

¹¹ 803 CMR 7.10