

803 CMR 8.00: OBTAINING CRIMINAL OFFENDER RECORD INFORMATION (CORI) FOR RESEARCH PURPOSES

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8.01: Purpose, and Scope

- (1) 803 CMR 8.00 is issued in accordance with M.G.L. c. 6, §§ 167A, 172 and 173; and M.G.L. c. 30A.
- (2) 803 CMR 8.00 sets forth procedures for accessing CORI for academic research purposes.
- (3) 803 CMR 8.00 applies to any individual or organization seeking CORI for the purpose of conducting an academic research project and to all research project members.
- (4) Nothing contained in 803 CMR 8.00 shall be interpreted to limit the authority granted to the Criminal Record Review Board (CRRB), or to the Department of Criminal Justice Information Services (DCJIS) by the Massachusetts General Laws.

8.02: Definitions

All definitions set forth in 803 CMR 2.00, 5.00, 7.00, 9.00 and 11.00 are incorporated herein by reference. No additional terms are defined in this section. As used in 803 CMR 8.00, the following words and phrases shall have the following meanings:

Criminal Justice Information System (CJIS). ~~Local, state, regional, interstate and federal information systems, including databases, computer applications, and data networks used by criminal justice and public safety agencies to enhance public safety, improve interagency communications, promote officer safety, and support quality justice and law enforcement decision making.~~

Criminal Offender Record Information (CORI). ~~Information as defined in 803 CMR 2.03: Criminal Offender Record Information Inclusions and Exclusions.~~

Criminal Record Review Board (CRRB). ~~A statutorily created board within the Department of Criminal Justice Information Services (DCJIS) that reviews complaints and investigates incidents involving allegations of violations of the laws governing CORI, M.G.L. c. 6, §§ 167A and 172; and 803 CMR 2.00: Criminal Offender Record Information.~~

Department of Criminal Justice Information Services (DCJIS or the Department). ~~The Commonwealth agency statutorily designated to provide a public safety information system and network to support data collection, information sharing, and interoperability for the Commonwealth's criminal justice and law enforcement community; to oversee the authorized provision of Criminal Offender Record Information to the non-criminal justice community; to provide support to the Criminal Records Review Board; to operate the Firearms Records Bureau; and to provide and technically support the Victim Notification Registry for the victims of crime.~~

Evaluative Information. ~~Records, data, or reports concerning individuals charged with a crime and compiled by criminal justice agencies which appraise mental condition, physical~~

~~condition, extent of social adjustment, rehabilitative progress, and the like, and which are primarily used in connection with bail, pre-trial or post-trial release proceedings, sentencing, correctional and rehabilitative planning, probation, or parole.~~

~~Youthful Offender. An individual who is subject to an adult or youthful offendersentence for having committed, while between the ages of 14 and 17, an offense that, if the individual were an adult, would be punishable by imprisonment in the state prison, as set forth in M.G.L. c. 119, §§ 52 and 58.~~

8.03: Obtaining CORI for Academic Research

- (1) A criminal justice agency that accesses CORI via the CJIS may utilize CORI for research purposes without seeking further approval from the DCJIS.
- (2) Criminal justice agencies that use CORI for research purposes shall comply with the subject anonymity requirements set forth in 803 CMR 8.03(3).
- (3) All others requesting use of CORI for research purposes shall complete a CORI Research Application and obtain approval from the DCJIS. ~~CORI Research Applications shall be available from DCJIS.~~ The applicant shall:
 - (a) provide a detailed description of the research project, including the type of CORI sought and the reason(s) it is relevant to the project; and
 - (b) demonstrate that the research project is being conducted for a valid educational, scientific, or other public purpose.

8.04: Precautions for CORI Utilization for Research Purposes

- (1) All agencies and individuals who use CORI for research shall preserve the anonymity of the individuals whose CORI is sought.
- (2) A non-criminal justice agency seeking CORI for research purposes shall designate and specifically identify in its CORI Research Application the research project member(s) responsible for preserving the anonymity of research subjects.
- (3) The research project director and each project member shall complete an Individual Agreement of Non-Disclosure (AOND), agreeing not to disclose CORI to any unauthorized persons.
- (4) The original ~~AONDS agreements of non disclosure~~ shall be retained by the research project director for a minimum of three years following project completion or termination.
- (5) The project researchers shall segregate identifying data from the rest of the CORI by assigning an arbitrary, non-duplicating code which shall be maintained in a secure place under the control of the project director.
- (6) Access to the code shall be limited to the project director and to those project members specifically identified as responsible for preserving the anonymity of the research.
- ~~(7)~~ (7) Hard copies and electronic copies of CORI shall only be retained and stored as provided in 803 CMR 2.12.
- (8) Upon completion or termination of the research project, the project director shall destroy the code and attest to DCJIS, in writing, that such destruction has been effected.
- (9) Hard and electronic copies of CORI shall only be destroyed in accordance with the provisions of 803 CMR 2.13.

8.05: Oversight, Audit, and Complaint Process Regarding Research Use

- (1) The DCJIS shall have the right to inspect any research project and to conduct an audit of the researcher's use of CORI.
- (2) The DCJIS may require periodic compliance reports.
- (3) Upon a finding of CORI misuse, the DCJIS may revoke approval for current access, demand and secure the return of CORI, and deny future access to CORI.
- (4) A researcher approved for CORI access is subject to the authority of the CRRB, pursuant to 803 CMR 2.00: ~~*Criminal Offender Record Information.*~~

8.06: Severability

If any provision of 803 CMR 8.00, or the application thereof, is held to be invalid, such invalidity shall not affect the other provisions or the application of any other part of 803 CMR 8.00 not specifically held invalid and, to this end, the provisions of 803 CMR 8.00 and various applications thereof are declared to be severable.~~If any provision of 803 CMR 8.00 or the application thereof is held to be invalid, such invalidity shall not affect other provisions or the application of any other part of 803 CMR 8.00 not specifically held invalid and, to this end, the provisions of 803 CMR 8.00 and various applications thereof are declared to be severable.~~

REGULATORY AUTHORITY

803 CMR 8.00: M.G.L. c. 6; §§ 167A, 172 and 173; and M.G.L. c. 30A.