

Massachusetts Department of Correction

CORI Regulations

103 DOC 153

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: GENERAL COUNSEL
TITLE: CRIMINAL OFFENDER RECORD INFORMATION	NUMBER: 103 DOC 153

PURPOSE: To establish Massachusetts Department of Correction ("Department") policy concerning Criminal Offender Record Information ("CORI") policy in Summary Form.

REFERENCES: M.G.L. c.6, §§ 167-178B; M.G.L. c.124, § 1 (q).

APPLICABILITY: Staff/Inmates

ACCESS: YES

LOCATION: Department Central Policy File
Each Institution's Policy File
Records Department's Policy File
Each Inmate Law Library

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

- General Counsel
- Superintendents
- Records Supervisor, Central Records Unit

EFFECTIVE DATE: 05/25/2012

CANCELLATION: 103 DOC 153.00 cancels previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding CORI.

SEVERABILITY CLAUSE: If any article, section, subsection, sentence, clause, or phrase of 103 DOC 153.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section,

subsection, sentence, clause or phrase of this policy.

153.01 Definitions

For the purposes of this policy, terms used are defined as:

1. Criminal Justice Information System (CJIS) - Database which offers law enforcement and criminal justice agencies within the state and across the nation secure access twenty-four (24) hours per day seven (7) days a week to state and interstate criminal history record information, protective orders, missing and wanted person files, drivers license and motor vehicle information, firearms licensing and gun sales transactions and other critical criminal justice information via the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS).

2. 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 nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to that recorded as the result of the initiation of criminal proceedings or any consequent proceedings related thereto.

CORI is limited to:

- a. records and data which set forth the fact or results of an individual's movement through any one or more of the formal stages of the criminal justice process; and,

- b. factual statements about the occurrence or outcome of an arrest, indictment, warrant, arraignment, bail, continuance, default, trial, appeal, disposition, sentence, probation, commitment, parole, commutation, release, termination or revocation of probation or parole, pardon, or similar occurrences or outcomes.

CORI shall not include:

- a. evaluative information - e.g., classification reports, psychiatric reports - as defined in 103 DOC 153.01(4);
 - b. intelligence or investigative information - e.g., informant reports, surveillance reports - as defined in 103 DOC 153.01(5); and,
 - c. statistical reports in which individuals are not identified and from which identities are not ascertainable.
3. Department of Criminal Justice Information Services (DCJIS) - The Massachusetts authority responsible for the quality control of all data entered into the NCIC systems, and management of policy compliance for the collection, storage, dissemination, and usage of CORI through the CJIS and/or other mediums.
 4. Evaluative Information - records, data, or reports concerning individuals charged with 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. Such information is not included in the definition of CORI. Regulations governing access to and dissemination of evaluative information are set forth in 103 CMR 157, Access to the Dissemination of Evaluative Information.
 5. 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. Intelligence information is not included in the definition of CORI.

6. National Crime Information Center (NCIC) - a computerized database of documented criminal justice information available to virtually every law enforcement agency nationwide, twenty-four (24) hours a day, 365 days a year, with the goal of assisting law enforcement in apprehending fugitives, locating stolen property, locating missing persons and protecting law enforcement personnel and the public.

153.02 CORI Information Which Shall Not Be Disclosed

Documents prepared by an agency other than the Department that contain CORI shall not be disclosed, even in the event that a request for CORI is approved. In this case the screening employee shall notify the individual of the existence of such a document and the name of the agency that prepared the document so that the individual may directly contact the agency to request access to the document.

153.03 Persons and Agencies Eligible for Access to CORI

Individuals and agencies are eligible for access to CORI as follows:

1. An individual shall have the right to inspect and copy the individual's own CORI (Attachment A).
2. An individual named in CORI may give informed written authorization to third parties, including, but not limited to, attorneys, family members, and persons or agencies furthering the individual's health or rehabilitation, to inspect and copy CORI pertaining to that individual. A third party so authorized may inspect and copy CORI upon presenting such authorization and satisfactory identification to the Department. (Attachment A).

Where the individual is unable to give such informed written authorization, due to a physical or mental incapacity, the Department may disseminate CORI necessary for treatment purposes or for notifying

families of the physical or mental health of an individual without such authorizations.

3. An attorney authorized to inspect and copy an individual's CORI may further designate, in writing, an agent to act on behalf of the attorney in inspecting or copying an individual's CORI. If such agent is not an attorney, the attorney shall also provide a written statement indicating that the agent is acting under the attorney's supervision (Attachment A).
4. Parties designated for access to CORI under sections 153.03 (2) and (3) above, who are presently inmates or parolees, or who have been inmates or parolees within the last five (5) years, shall be permitted access to the CORI at a correctional institution only upon approval by the superintendent or, for a request to the Central Records Unit of the Department, upon approval by the General Counsel.
5. Agencies and individuals certified for access to CORI by the DCJIS are eligible for access to CORI. A list of authorized agencies is available through the DCJIS.
6. Consultants or contractors to the Department who are associated with educational institutions, halfway houses, group residences, social service agencies, health facilities, or similar organizations are eligible to utilize, but not disseminate, CORI for purposes of obtaining services or benefits for individuals named in such CORI. Such consultants or contractors shall:
 - a. establish their status as employees of the Department or as individuals who have contracts with the Department;
 - b. use CORI only under the direct supervision and control of Department officials or employees;
 - c. be notified that the retention and dissemination of such CORI is subject to the provisions of M.G.L., c.6, §§ 167-178B, and the DCJIS regulations;

- d. not disseminate such CORI to any agency or individual outside of the Department except that reports based on, but not containing the CORI, which recommend rejection or admission to a program, or prescribe treatments, services or benefits for the individual, may be conveyed to the rehabilitative agency or individual with whom such consultant is associated; and
 - e. complete a written agreement not to disclose any CORI and to use CORI only as permitted by this policy, with such agreement to be held by the Department and subject to review by the DCJIS.
7. Individuals authorized through Attachment A shall inspect CORI contained in the IMS via screen prints of the data and shall not have direct access to the database.

153.04 Department Dissemination of CORI

The Department may disseminate CORI:

1. upon the death of the individual for whom the CORI refers; or
2. that is specifically related to and contemporaneous with the search for, or apprehension of, any person who has escaped from correctional custody or who has been involved in a disturbance at a correctional institution.

153.05 Department Confirmation of Certain Information

The Department may confirm to members of the public, in response to specific inquiries, statements that an offender currently:

1. resides in a correctional or related institution;
2. is on furlough, pre-release status, parole, or probation; and
3. is a participant in a rehabilitation or education program.

153.06 Record of Dissemination of CORI

The Department shall maintain at its Central Records room, specialized divisions (e.g., Office of Investigations, Victim Services Unit), and at each correctional institution, a listing of the CORI disseminated and the agencies or individuals outside of the Department to which it has disseminated the CORI.

Upon receipt of a written request to inspect/copy CORI information (Attachment A), the staff person responding to the request shall document the action taken by use of the form "Record of Inspection and/of Copying of CORI" (Attachment A). The completed form shall be stored in the six-part folder of the individual to whom the CORI pertains, attached to the original request for information.

153.07 Copying Fees

A fee for inspection of CORI shall not be assessed unless the inspection involves search and segregation time. The Department may impose a charge of twenty (20) cents a page for photocopying services and fifty (50) cents per page for computer printouts. In addition, a prorated fee may be assessed based on the hourly rate of the lowest paid employee capable of performing the task for search and segregation time, except that no charge shall be made if the total fee for copying services would not exceed two dollars (\$2.00).

153.08 Challenges Regarding CORI

Any person who believes that the CORI referring to that person is inaccurate, incomplete, or improperly maintained or disseminated may request, in writing, to the superintendent of the institution where the person is incarcerated or, if the person has been released from custody, to the General Counsel, to purge, modify, or supplement the CORI or to take other appropriate remedial action. The superintendent or the General Counsel, or their designees, shall respond in writing to the individual within fifteen (15) business days. If it appears to the reviewing staff person that the individual's challenge is valid, the superintendent or the General Counsel, or their

designees, may direct that corrective action be taken with regard to the CORI contained in the file or IMS database.

If the individual is dissatisfied with the response of the superintendent or the General Counsel or their designees, or if the superintendent or the General Counsel has not responded within fifteen (15) business days, the individual may, in writing, request review by the Commissioner. The Commissioner or designee shall respond in writing to the individual within fifteen (15) business days.

153.09 Sanctions for CORI Violations

Any person who willfully violates the provisions of the CORI Act shall be subject to a fine of not more than \$5,000 for each offense, or imprisonment in a jail or house of correction for not more than one (1) year for each offense, or both.

Identification of individual authorized to inspect and/or copy the criminal record.

a. Name: _____
Last First Middle

Address: _____

I hereby swear or affirm under the penalties of perjury that the above information is correct; that I have been authorized to inspect and/or receive the criminal record of the individual; and that I will not use this authorization for the purpose of gaining access to any other person's criminal record.

Date Signature of authorized third party

III. Name of Department of Correction employee present at inspection.

a. Name: _____
Last First Middle

Signature: _____

Date _____

Title/Facility: _____

b. Date of Inspection : _____/_____/_____ ____am/pm
Month Day Year Time

c. Exceptions taken, if any, as to accuracy, completeness, contents, mode of maintenance and/or dissemination of the information reviewed. Describe in detail in the space below:

PLEASE LIST THE INFORMATION BEING REQUESTED

This form must be retained and stored in the institutional inmate record in section 1.

Please note: For former inmates, a notarized signature is required.

AUTHENTICATION OF SIGNATURE BY NOTARY PUBLIC
(FOR EX-INMATES ONLY)

_____, **SS**

The above-named _____, appeared before me, the undersigned

Authority, this _____ day of _____, 201__ and acknowledged the foregoing signature to be made of his or her own true free act and deed.

Notary Public

My Commission expires