



Executive Office of Public Safety and Security
Department of Criminal Justice Information Services

iCORI Policy Training For Consumer Reporting Agencies

What is the Department of Criminal Justice Information Services (DCJIS)?



DCJIS is the Massachusetts agency statutorily designated to:

- oversee the authorized provision of Criminal Offender Record Information (CORI) to the non-criminal justice community;
- 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 communities;
- provide support to the *Criminal Records Review Board*;
- operate the Firearms Records Bureau; and
- provide and technically support the Victim Notification Registry for the victims of crime.



CORI IS....

Criminal Offender Record Information

CORI consists of records and data in any communicable form compiled by a Massachusetts criminal justice agency about an identifiable individual that relate to:

- Nature or disposition of a criminal charge,
- An arrest,
- A pre-trial proceeding,
- Other judicial proceedings,
- Sentencing,
- Incarceration,
- Rehabilitation,
- Release

Does not include juvenile criminal history, except for charges on which a juvenile was adjudicated as an adult.



How is the CORI Record Created?

The information contained in a CORI record provided by the DCJIS is originally created by the Trial Court.

Only Trial Court staff can change this information. **The DCJIS cannot change entries contained in the CORI database.**

Trial Court staff record what happens every time an individual appears in court. This data is sent electronically to the DCJIS nightly.



What is CORI Reform?

On August 6, 2010, the Governor signed into law Chapter 256 of the Acts of 2010, commonly known as CORI Reform, making significant changes to the CORI law.

The law changed who has authorized access to CORI and how CORI is accessed.

Most of the CORI Reform provisions went into effect on May 4, 2012.



All Employers Will Have Standard Access to CORI

Employers will have standard access to:

- All pending criminal charges, including cases continued without a finding of guilt until they are dismissed;
- All misdemeanor convictions for five years following the date of disposition or date of release from incarceration, whichever is later;
- All felony convictions for ten years following the date of disposition or date of release from incarceration, whichever is later;
- All convictions for murder, voluntary manslaughter, involuntary manslaughter, and sex offenses;
- Information relating to offenses on which the *subject* was adjudicated as an adult while younger than 18 years old.



Certain Organizations Will Have Required CORI Access

Organizations who must comply with statutory, regulatory, or accreditation requirements regarding employees' criminal records have Required CORI Access, which provides additional adult CORI information dating back to an individual's 18th birthday.

There are **4 levels of required access:**

- a. Required 1
- b. Required 2
- c. Required 3
- d. Required 4



What is Required 1 Access?

- All pending criminal charges, including cases continued without a finding of guilt, until they are dismissed;
- All misdemeanor convictions and felony convictions dating from the *subject's* 18th birthday;
- All information relating to those offenses for which the *subject* was adjudicated as an adult while younger than 18 years old; and
- All convictions for murder, voluntary manslaughter, involuntary manslaughter, and sex offenses.

Examples of Required 1 organizations:

Hospitals, healthcare staffing agencies, healthcare clinical programs, banks, security system installers, and amusement device operators.



What is Required 2 Access?

- Non-conviction information;
- All pending criminal charges, including cases continued without a finding of guilt, until they are dismissed;
- All misdemeanor convictions and felony convictions dating from the subject's 18th birthday;
- All information relating to those offenses for which the subject was adjudicated as an adult while younger than 18 years old; and
- All convictions for murder, voluntary manslaughter, involuntary manslaughter, and sex offenses

Examples of Required 2 agencies:

Schools (public and private), day care centers, assisted living facilities, and religious organizations.



What is Required 3 Access?

- All juvenile and adult pending criminal charges, including cases continued without a finding of guilt, until they are dismissed;
- All juvenile and adult non-conviction information;
- All adult misdemeanor convictions and felony convictions and juvenile delinquency adjudications; and
- All convictions for murder, voluntary manslaughter, involuntary manslaughter, and sex offenses.

This level of CORI is only available to camps for children!



What is Required 4 Access?

- All juvenile and adult pending criminal charges, including cases continued without a finding of guilt, until they are dismissed;
- All juvenile and adult non-conviction information;
- All adult misdemeanor convictions and felony convictions and juvenile delinquency adjudications;
- All convictions for murder, voluntary manslaughter, involuntary manslaughter, and sex offenses; and
- Information regarding criminal offenses that have been sealed.

This level of CORI is only available to the MA Department of Early Education and Care!



What You Should Know: CRA iCORI Account

- A CRA can only request Standard Access CORI from DCJIS to screen its own employees.
- A CRA can request CORI on behalf of an iCORI registered client. The iCORI registered client must first authorize the CRA to request on behalf of the client in the iCORI system. It is direct violation of M.G.L. c. 6, s. 172 and 803 CMR 11.00 et seq. to request standard or required access CORI on behalf of a client that has not first authorized you to obtain CORI on their behalf in the iCORI system.
- A CORI acknowledgement form must be completed by each subject and verified with government identification.
- The level of CORI access a CRA can request on behalf of a client depends upon the client's level of access.
- A CRA can request Open Access CORI at any time.
- CRA's are also subject to the provisions of the Fair Credit Reporting Act, MGL c. 93, 803 CMR 2.00, 803 CMR 5.00, and 803 CMR 11.00.



How to Authorize a CRA to Request CORI

- To authorize a CRA to request CORI, an iCORI registered client must provide the CRA's account number through its own iCORI account on the designated screen.
- A CRA cannot terminate a client's CRA authorization. Only your client's CORI Representative will be able remove CRA authorization through iCORI.
- CRA's will be able to view a list all agencies for whom they are authorized to request CORI and must select the agency they are requesting on behalf of at the time of CORI request submission.
- Agencies that use a CRA to obtain criminal history on their behalf are subject to the additional requirements of the Fair Credit Reporting Act (FCRA) , in addition to DCJIS regulations.



Applicant's Right to Due Process

If an employer has obtained criminal history information about an applicant, regardless of the source, he or she must provide the criminal history to the applicant prior to asking him or her about it.



Self Audits

Individuals can see what non-law enforcement entities have requested their CORI.

Individuals can determine if CORI checks were run prior to an interview or job rejection.

Self-audits will can be used to determine if someone improperly accessed CORI.



The Criminal Records Review Board

The former Criminal History Systems Board has been replaced by the Criminal Records Review Board (CRRB).

CRRB's membership includes all members listed in c. 6, s. 168, including members from labor and workforce development and ex-offender rehabilitation.

CRRB's primary role will be to investigate and conduct hearings of complaints regarding violations of the CORI statutes and regulations.

CORI Violation Penalties

Civil - Fine

- First Violation: \$1,000
- Second Violation: \$2,500
- Third or Subsequent: \$5,000

Criminal - Incarceration

- 1 year in a house of correction and/or up to a \$5,000 fine.
- Juvenile criminal history violations; up to a year in a house of correction and/or a \$7,500 fine.
- If the offender is a business, the maximum fine is \$50,000 for each offense. For a juvenile record infraction, the maximum fine for a business is \$75,000 for each offense.



CORI Policy Requirement

- Any CRA that submits five or more CORI requests annually shall maintain a CORI policy which must meet the minimum standards of the DCJIS model CORI policy .
- The DCJIS has posted a Model CORI Policy to its web site at mass.gov/cjis.
- A CORI policy may be developed and maintained regardless of the number of CORI requests conducted.



Adverse Employment Decisions Based on CORI

Before an employer makes an adverse decision based on a subject's CORI, the employer must:

- Notify the employment applicant in person, by telephone, by fax, or by electronic or hard copy correspondence of the potential adverse employment action;
- Provide a copy of the employment applicant's CORI to the employment applicant;
- Provide a copy of the employer's CORI Policy, if applicable;
- Identify the information in the employment applicant's CORI that is the basis for the potential adverse action;
- Provide the employment applicant with the opportunity to dispute the accuracy of the information contained in the CORI;
- Provide the employment applicant with a copy of the DCJIS document entitled "Information Regarding the Process for Correcting CORI"; and
- Document all steps taken to comply with these requirements.



Secondary Dissemination Logs

Because all iCORI responses are confidential, any dissemination of CORI outside a requestor's organization must be logged in a secondary dissemination log.

Secondary dissemination logs may be kept in hard copy or in electronic form and it must contain:

- The *subject's* name;
- The *subject's* date of birth;
- The date and time of dissemination;
- The name of the *person* to whom the CORI was disseminated along with the name if the organization for which the person works, if applicable; and
- The specific reason for dissemination.

Secondary logs are subject to audit by the DCJIS.



Dissemination of CORI by a CRA

- A *CRA* that receives *CORI* from the *DCJIS* and has reason to believe that the information contained therein has, in whole or in part, been disclosed in error, shall contact *DCJIS* to request that the *CORI* be reviewed before disseminating the *CORI* results to its *iCORI* registered client.
- *CRA*s are prohibited from knowingly disseminating *CORI* beyond the level of access to which its *iCORI registered client* is entitled.



What is a CORI Representative?

Every organization must have at least one CORI Representative. The CORI Representative is charged with the following responsibilities:

- Read and review DCJIS CORI regulations;
- Assign a back up CORI representative;
- Enter organization user information and maintain user accounts;
- Confirm all organization users have reviewed and understand this DCJIS training;
- Keep all organization registration and contact information up to date;
- Ensure the organization has a CORI policy (if applicable);
- Maintain and keep up-to-date a list of all individuals authorized to view CORI;
- Annually renew the organization's registration; and
- Maintain authorized consumer reporting agency information.



What is an Organization User?

- An Organization User is an individual within a registered organization who is authorized by the CORI Representative to request and obtain CORI.
- Each Organization User has a user account established by the CORI Representative within the iCORI application.
- Organization Users will have their own user names and passwords.
- CORI Representatives will have access to all CORI requests entered by Organization Users.
- CORI Representatives may also suspend an Organization User's CORI privileges.



Requesting and Receiving CORI from the DCJIS

- Before submitting a CORI Request, the client must first authorize the CRA to request CORI on the client's behalf in the iCORI account.
- A CORI Acknowledgement Form must be completed for each subject and verified with a form of government issued identification. Forms are available at www.mass.gov/cjis.
- Applicants may remotely complete this form by having it notarized.
- To submit CORI requests, the user enters the subject's name, date of birth, and last 6 SSN digits.
- Each request for an alias or maiden name must be submitted as a separate CORI request.
- Up to 100 names may be submitted at one time.
- iCORI will return CORI results that exactly match information contained in the CORI database.
- Some CORI results will be immediately available.
- CORI requests will appear as "pending" until they are available.



CORI Availability and Security

- Users must log in to view results which will remain available in iCORI for 6 months.
- All information contained in iCORI responses is **confidential!** Unlawful access to or dissemination of CORI may result in civil or criminal penalties.
- Per 803 CMR 11.00 CRAs may not electronically stored CORI results. Only CRAs that act as “decision makers” as defined in the regulations may store CORI results. Any CORI information stored electronically must be password protected and encrypted.
- Per 803 CMR 11.00 CRAs may not store hard copy CORI information unless the CRA is a decision maker. Any CORI information stored in hard copy form must be kept separately in a locked, secure location.
- Individuals may not view or have access to CORI information unless previously authorized to do so by the organization’s CORI Representative.
- Individuals may not view information contained in an iCORI summary unless they have been previously authorized to do so by the CORI Representative.
- The name of each individual authorized at a registered organization to view, or to have access to, CORI must appear on a list, maintained and kept current by the CORI Representative.



Need Help with iCORI?

If you have questions or need technical help with iCORI, contact DCJIS at:

By telephone
(617) 660-4640

By email
icori.info@state.ma.us