



# Town of Lexington

## Police Department

**Subject:** Use of Criminal Record Systems

REFERENCED: None

**Effective Date:**  
12-1-2011

**Review Date:**  
Annually

**By Order of:** Mark J. Corr, Chief of Police

**Policy &  
Procedure**

# 82B

*The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chiefs of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 4.07 "C.O.R.I." and additional sources.*

### GENERAL CONSIDERATIONS 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.<sup>1</sup> 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.

## 82B-Use of Criminal Record Systems

It is the policy of the Lexington Police Department to have access to the Criminal Justice Information System (CJIS) and make CORI data gathered by the Department available to the CJIS. To Department will strive to maintain a balance between protecting confidential information and disclosing it to agencies authorized to receive CORI information. Similarly, the Department must balance the need to protect the privacy interests of defendants and public's right to know information for public safety. All personnel must remain familiar with the guidelines for the proper use Criminal Justice Information System (CJIS) terminals (be they fixed, mobile or portable) and to insure the lawful handling of Criminal Offender Record Information (CORI) generated from or maintained within the CJIS network.

### A. Definitions

1. **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.<sup>ii</sup> There contact information is listed below:

200 Arlington Street  
Suite 2200  
Chelsea, MA 02150

Main Phone: (617) 660-4600  
Fax: (617) 660-4613  
TTY: (617) 660-4606  
Web Page: [www.mass.gov/cjis](http://www.mass.gov/cjis)

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.
3. **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.

4. **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;
- Release; or
- May include a juvenile tried as an adult.

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.

5. **Dissemination:** The release of CORI in any communicable form.
6. **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.)

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7. **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.<sup>iii</sup>

### PROCEDURES

#### A. System Use

1. The use of a CJIS workstation **is for criminal justice purposes only**. These purposes include the commission of official criminal justice duties (i.e. investigations, bookings, warrant entry etc.). CJIS will only be used by individuals who qualify for employment within a criminal justice agency. CJIS cannot be used for non-criminal purposes including transactions conducted for public and private educational establishments, municipal agencies, or town government officials. This type of use is strictly prohibited and is punishable by a fine, suspension of services and/or incarceration.
2. Each operator shall take care to insure that no damage is done to a CJIS terminal. Care will be taken not to consume food or beverage near a terminal. Each operator shall immediately report any damage to a CJIS workstation to one's supervisor. The Department must report an inoperable CJIS workstation to the CJIS Operations Division of the Criminal History Systems Board (CHSB) as soon as possible. Workstation operators may be held responsible for damage done to a CJIS workstation.
3. No CJIS equipment including CJIS workstations and mobile data workstations shall be modified or altered in any way from its set-up configuration, unless it is done by CHSB; or by a contract vendor with notification to and concurrence of the CHSB.
4. Each agency must ensure that any and all CJIS information passing through a network segment is protected pursuant to Federal Bureau of Investigations CJIS security policy.

#### B. System Access

1. All operators of CJIS workstations shall be trained, tested, and certified under procedures set forth by the CHSB before using a workstation and shall be re-certified biennially thereafter.
2. Each CJIS workstation operator shall use one's assigned password when accessing the CJIS network and shall not give this password to anyone under any circumstances. No one shall use the network under

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another individual's password. If an individual feels their password has been compromised, they should change it immediately.

3. All operators shall log on to the network at the beginning of one's work day and shall log off at the end of one's work day to ensure that transactions are logged under the appropriate user name. This will prevent one operator from being held responsible for another operator's CJIS transactions. Appropriate care will be taken to not allow any unauthorized access to CJIS.
4. Agencies entering records into CJIS must monitor their CJIS workstation(s) and printer(s) twenty-four (24) hours a day, seven (7) days a week, fifty-two (52) weeks a year, to perform hit confirmations.

### C. Provisions

1. Each CJIS terminal and the information obtained from it are to be handled in conformity to the policies and guidelines set forth by:
  - a. The Massachusetts General Laws
  - b. The Code of Massachusetts Regulations (CMR)
  - c. 28 code of Federal Regulations
  - d. The Criminal History Systems Board through manuals, training, CJIS Administrative Messages, CJIS News File information, and information disseminated at the Regional Working Groups meetings.

### D. CORI (Criminal Offender Record Information)

1. The Massachusetts Public Records Law (G.L. c. 4 s 7) gives the public the right of access to most records maintained by a government agency. However, CORI information, including that which is obtained from the CJIS network, is exempt from public access under the CORI Law (G.L. c. 6, ss 167-178).
2. Under 803 CMR, only those officials and employees of criminal justice agencies, as determined by the administrative heads of such agencies, shall have access to CORI. Criminal justice employees are eligible to receive CORI as needed during the course of their official duties.
3. Reasons for conducting a Board of Probation (BOP) check may include, but is not limited to:
  - a. An investigation
  - b. An arrest
  - c. An individual applying for criminal justice employment
  - d. Local licensing purposes (i.e. hackney where the police department is the licensing agency, hawker, peddlers,

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- constables, and door-to-door sales people where the municipality requires the police department to regulate) and,
- e. Firearms licensing purposes
  4. The officer may share CORI with other officers or criminal justice agencies when an investigation is being conducted, however, the dissemination must be logged in the agency's secondary dissemination log with the date, time, individual checked, purpose, officer's name, and the agency and agent to whom the information was given.
  5. A local municipal agency seeking CORI must apply to the CHSB for CORI certification. If certified by the CHSB, that agency shall submit all requests for CORI to the CHSB.
  6. Anyone requesting a copy of his or her own CORI shall be given a form to request such information from the CHSB, or be directed to the CHSB web site, [www.mass.gov/chsb](http://www.mass.gov/chsb), to print the form.
  7. Many non-criminal justice agencies have been authorized by the CHSB to receive CORI information. Such authorization was given in writing, and a copy of the letter should be provided to the agency when requesting CORI.
  8. All other requests for CORI shall be referred to the Chief's office.
  9. 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 (G.L. c. 6, s 177 and s 178).
  10. All complaints of CORI being improperly accessed or disseminated shall be handled as a citizen complaint and the Chief 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.
- E. 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.<sup>iv</sup>

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### 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.<sup>v</sup>
- b. JUVENILE DATA: No information concerning a person under seventeen years of age is CORI unless that person is adjudicated a youthful offender under G.L. c. 119, s. 58.<sup>vi</sup>
- c. EVALUATIVE INFORMATION: CORI excludes evaluative information. The access to and utilization of evaluative information is governed by 803 CMR 204.<sup>vii</sup>
- d. INTELLIGENCE INFORMATION: CORI excludes intelligence information.<sup>viii</sup>
- e. MINOR OFFENSES: CORI excludes minor offenses (offenses not punishable by incarceration).<sup>ix</sup>

### F. Public Release of CORI

1. DECEASED PERSONS: An individual's privacy rights pursuant to the CORI statute end when the person dies. The Department may disseminate CORI on a deceased person upon proof of death (e.g., death certificate, appointment of estate administrator, executor, executrix, etc.).<sup>x</sup>
2. CRIMINAL INVESTIGATION: 803CMR2.04 allows a criminal justice agency to disclose CORI to a crime victim during an investigation if that disclosure is necessary for the actual performance of their criminal justice duties.<sup>xi</sup>
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 also department policy **82A-Records Management**.

### G. 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.

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3. Individuals may access their own CORI history through the Criminal History Systems Board.
- H. Access to CORI – Certified Agencies and Individuals
1. CORI and evaluative information may be provided to agencies and individuals certified by the CHSB.
  2. For further information, see also Department policy **82A-Records Management**.
- I. INTERSTATE IDENTIFICATION INDEX (III)
1. The Interstate Identification Index (III or Triple-I) may only be used for an authorized purpose. There are three codes to follow that will guide the user to proper use of the III system. They are:
    - a. Purpose Code “C” should be used for any query made as part of normal Department operations (e.g., burglary investigation, arrest, etc.). This is the same code used when conducting background investigations on individuals who have unescorted access to your building and who may come in the vicinity of a CJIS terminal or any classified information (e.g., custodian, secretarial staff, etc.).
    - b. Purpose Code “J” should be used for any query on individuals being considered for direct employment by the Department (e.g., police officers, dispatchers, records personnel, etc.).
    - c. Purpose Code “F” should be used for any firearms licensing-related query of the III. However, if the Department has access to Massachusetts Instant Record Check System (MIRCS), they would use this system and not the “F” code in III.
  2. In addition to the fields being filled out for the subject being queried, there are additional field to be filled out by employees using the system.
    - a. Attention – the full name of the individual requesting the III query. If the individual works for another authorized law enforcement agency, then the name of that agency must also be entered.
    - b. Authorization – the full name of the individual that is authorizing the III query. This may be the desk officer or Commanding Officer.
    - c. Operator – the full name of the terminal operator actually performing the III query.

3. Whenever Triple-I information is disseminated to another criminal justice agency, it must be logged in the agency's Triple-I Records Check Log. Information logged is consistent with that provided in the CORI Activity Log.
  - a. Each long entry must be maintained for a minimum of one year.
  - b. Information to be logged is:
    - Date and time of the request;
    - Name of the individual requesting the III query;
    - Name of the agency for which the requestor works;
    - Name and date of birth of the individual queried; and
    - The specific reason for the request
4. Common improper uses of the III database include:
  - a. A III authorized user conducting a query on his or herself using their own personal information. This includes but is not limited to any type of training and or learning exercise. There are "test records" that should be utilized in training/learning exercises that CJIS will supply.
  - b. Queries of school bus drivers, fire chiefs for employment purposes, town officials for employment and or personal requests, door to door solicitors, or any request for taxi/hackney licenses (unless the Department is the licensing authority). These queries should be processed through the Department of Criminal Justice Information Services' (DCJIS) Criminal Offender Record Information (CORI) Unit.

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<sup>i</sup>M.G.L. c. 6, §§168, et. seq.

<sup>ii</sup> M.G.L. c. 6, §168.

<sup>iii</sup> M.G.L. c. 6, §167.

<sup>iv</sup> 803 CMR 2.04.

<sup>v</sup> M.G.L. c. 6, §167.

<sup>vi</sup> M.G.L. c. 6, §167.

<sup>vii</sup> M.G.L. c. 6, §167.

<sup>viii</sup> M.G.L. c. 6, §167.

<sup>ix</sup> M.G.L. c. 6, §167.

<sup>x</sup> 803 CMR 2.04(11).

<sup>xi</sup> *Bellin v. Kelly*, 435 Mass. 261, 755 N.E.2d 1274 (2001).