

Criminal Offender Record Information (CORI)

Balancing Individual Rights and Public Access

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The Boston Foundation and the Crime and Justice Institute

Objective:

- Examine key questions and issues surrounding CORI
- Identify common interests among diverse stakeholder groups
- Stimulate discussion and reform in areas of agreement

Do You Have CORI?

- An estimated 59 million Americans, approximately 29% of U.S. adult population, has a criminal arrest record on file with a state repository
- In Massachusetts there are approximately 2.8 million individual criminal records on file
- Approximately 20,000 people are discharged from Massachusetts correctional facilities annually, and all of them have CORI
- Thousands more have CORI but don't go to prison

What is CORI?

- Baseline information includes convictions and pending charges
- CORI can also include:
 - Juvenile conviction information
 - Cases that were dismissed
 - Cases continued without a finding
 - Cases that resulted in dropped charges
 - Not guilty findings

Types of CORI Access

- **Criminal Justice Agencies**
 - Police, prosecutors, courts, corrections, parole
- **Statutory Access**
 - Granted to certain state agencies and their vendors
- **Discretionary Access**
 - Granted at the discretion of the CHSB
- **Publicly Accessible CORI**
 - Available, under specific circumstances, to the general public upon request to CHSB

Facts About CORI

- A felony conviction stays on a CORI report for 15 years, a misdemeanor conviction for 10 years
- Non-conviction information cannot be expunged from a report
- A CORI subject is allowed to see his/her report only after applying to the CHSB and paying a fee of \$15
- CORI is not verified by fingerprints; the record is based on the name and date of birth provided by the accused
- Employers are not statutorily required to share CORI with job applicant and can use report prior to a job offer

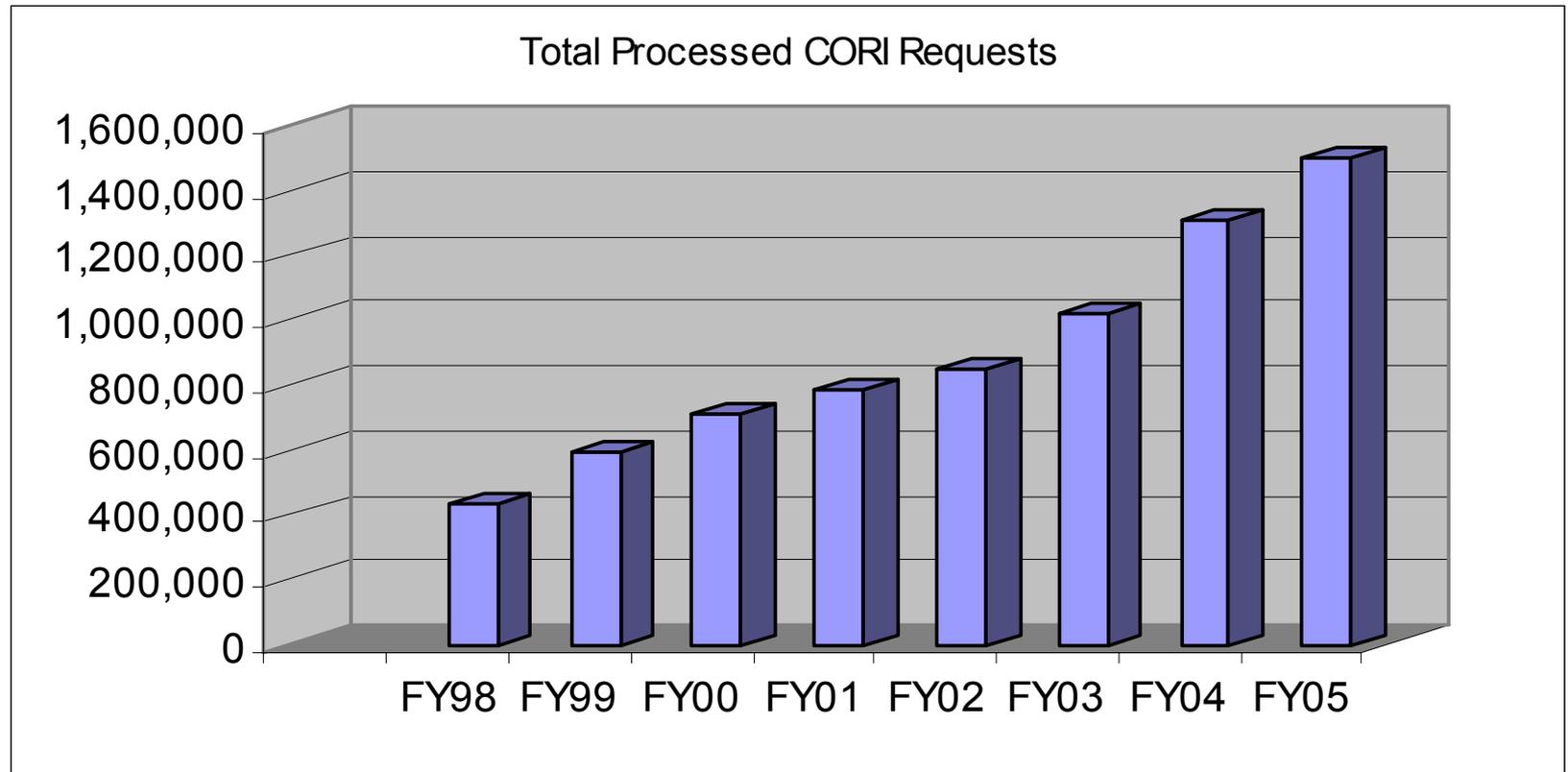
Recent Changes that Have Increased the Volume of CORI Requests

- Housing authorities
 - May request CORI for any prospective tenant
- Health and Human Services departments and vendors
 - Required to review CORI on all existing and prospective employees
- Schools, camps and children's programs
 - Required to review CORI on anyone, including volunteers, having contact with children

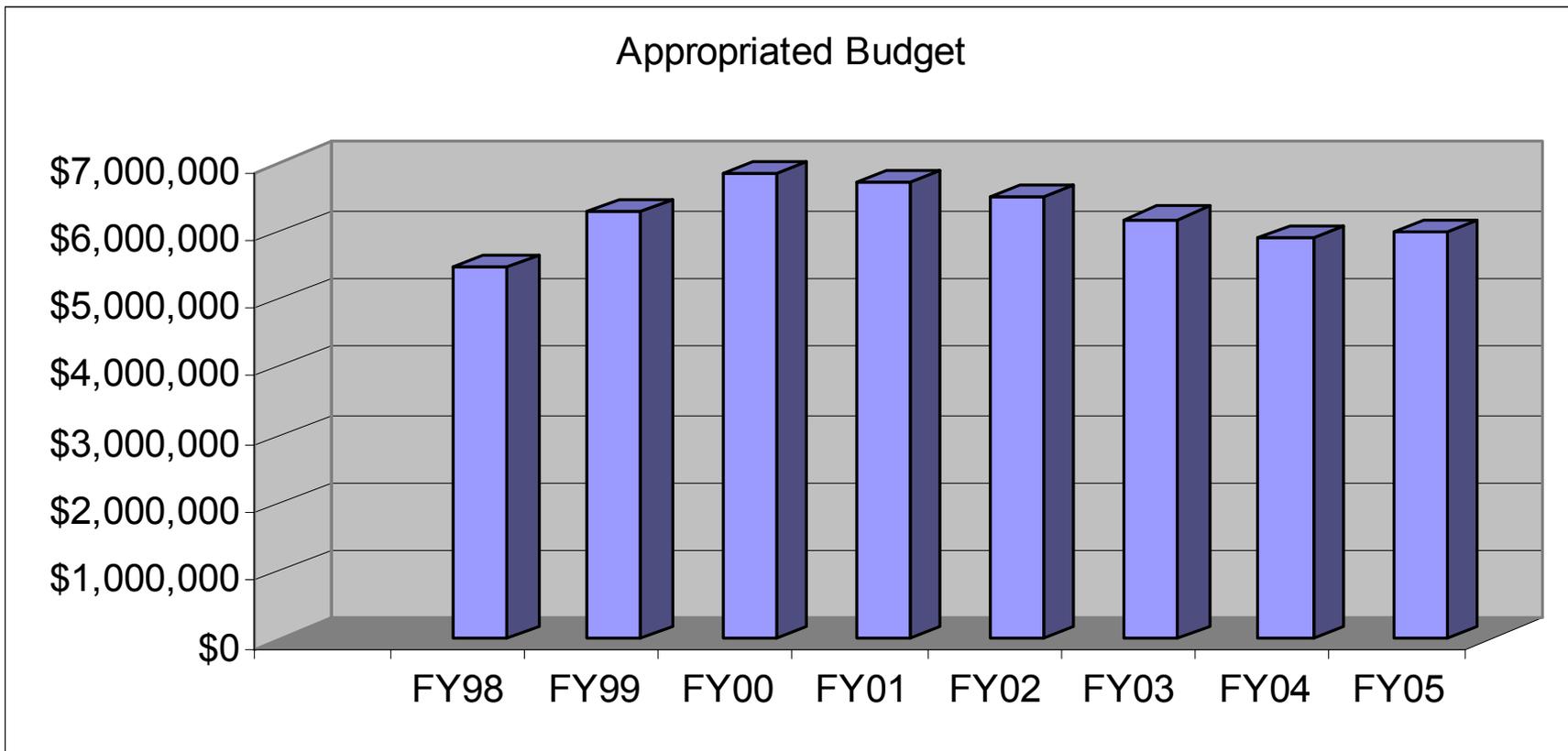
Increased Pressure on the CHSB

- There are now more than 10,000 authorized users, up from 2,000 users in 1993
- 1.5 million CORI requests processed annually, more than 5,000 requests daily
- Budget has decreased over past 7 years
- Demand for a shorter response time on CORI requests

Total Requests Processed by the CHSB, FY98 – FY05



CHSB Budget, FY98 – FY05



What Are Other States Doing?

New York

- All charges are supported by the accused's fingerprints
- Fingerprint-based verification system
- Non-law enforcement access limited to conviction information only
- State has burden of proving accuracy of criminal record once it is challenged

What Are Other States Doing?

Vermont

- Offer of employment must be made before employer can access CORI
- Fingerprint-based verification system
- Part of AFIS system (tri-state criminal record database)

New Hampshire

- All charges supported by fingerprints
- Part of AFIS system
- Non-conviction information is disclosed only to:
 - Law enforcement personnel; or
 - A person requesting his or her own record
- Changes to criminal record must be done within 90 days of disposition

What Are Other States Doing?

Connecticut

- Automatically expunges certain offenses
- Single agency responsible for correcting inaccurate information
- Has fingerprint based identity verification system

Rhode Island

- Misdemeanors can be expunged after 5 years; felonies after 10 years
- First-time non-violent offenses can be expunged

Challenges of the CORI System

- One system, two types of users
- A complicated report format that is difficult to understand
- Inaccurate or dated information in a CORI report and difficult to correct problems
- Lack of clear guidelines for using CORI
- Length of time before a record can be sealed
- Unregulated sale of criminal records by private companies

A Need for More Data

In order to implement long-term, systemic change, more data is needed on the positive and negative impacts of the CORI system.

- Is the availability of CORI making workplaces, schools and programs safer?
- How much incorrect CORI is out there?
- How many employers using CORI actually have guidelines for its use?
- Is CORI a primary reason for the high unemployment rates of ex-offenders?
- How does the list of disqualifying offenses in the regulations align with recidivism research?

Potential Solutions

- Implement a fingerprint-based verification system
- Develop a tracking system to improve accuracy and accountability throughout the data entry process
- Shift the burden of correcting inaccurate CORI from the individual to the state
- Modify the form of CORI reports so they are easier to read for non-law enforcement users
- Educate ex-offenders, employers, and the public about CORI
- Limit liability to employers who hire ex-offenders and create incentives that support re-entry

Three Dominant Themes

Access

- examine who should have access to CORI
- what kind of information they should see
- how long a record should be available

Education

- instruct users on how to read CORI and how to use it
- instruct CORI subjects on how to defend their record
- instruct the public on what CORI means and doesn't mean

Accuracy

- ensure the CORI report accurately depicts the activities of the person
- ensure the process for challenging inaccuracies is straightforward and efficient