



CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
(617) 498-9020

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Edward J. O'Connell
Legal Counsel

September 20, 1990

MEMORANDUM

TO: Robert W. Healy

FROM: Russell B. Higley 

RE: May 14, 1990 ORDER OF COUNCILLOR WALSH CONCERNING AN ARREST OF A MEMBER OF THE CTAC ON MARCH 16, 1990

The following is a response to your inquiry concerning Councillor Walsh's Order of April 2, 1990 and May 14, 1990. The requested report Councillor Walsh seeks from the City Manager may reveal details of the alleged incident including the participants. Such information may be Criminal Offender Record Information (CORI) prohibited from dissemination to the general public.

CORI is:

...records or data in any communicable form compiled by a 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.
M.G.L. c. 6, s. 167.

Proper dissemination of CORI is limited to:

- 1) criminal justice agencies;
- 2) Individuals and agencies required to have access to

such information by statute (i.e., U.S. Armed Forces);
and

3) Any other agency or individual where it is determined that the public interest outweighs the interest in security and privacy.

Police daily logs, arrest registers, or other similar records compiled chronologically, chronologically maintained court records of public judicial defendants and published records of public court or administrative proceedings are in some circumstances public records. M.G.L. c. 6, s. 172.

The Criminal History Systems Board and Security and Privacy Council may certify agencies and individuals to receive CORI. Where public interest is the basis for dissemination, a majority of the Council and Board voting separately must make the determination that the public interest outweighs the interest in security and privacy. M.G.L. c. 6, s. 172. A formal request must be made to the Board and Council to initiate consideration.

Any information maintained in Police Department records is most likely CORI. No such records should be transmitted to the City Council. If you have daily logs or arrest register records which fit into an exception to the CORI statute, I advise that you have my office confirm through the Criminal History Systems Board that such records are in fact public records.

RECEIVED
90 SEP 21 PM 1:36
OFFICE OF THE CITY MANAGER



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

October 1, 1990

To The Honorable, The City Council:

With reference to Awaiting Report Item Nos. 15 and 21, relative to an arrest of a Member of the CTAC on March 16, 1990, please find attached a response from Russell B. Higley, City Solicitor, concerning this matter.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
enclosure

Agenda # 6 S-959

Awaiting Report Item Numbers 15 & 21
regarding an arrest of a member of the
CTAC on March 16, 1990.

In City Council,

Oct. 1, 1990

Placed on file