

Experts worry criminal-records law violations aren't being caught

By **Matt Rocheleau and Todd Wallack** GLOBE STAFF JUNE 13, 2017

Just 10 people or organizations in the past five years were found to have flouted the state law that regulates access to and use of personal criminal records, prompting concerns that companies are getting away with violations.

“It’s hard to believe it’s only just a few people a year that are violating the law,” known as the Criminal Offender Record Information, or CORI, law, said Pauline Quirion, director of the CORI and Re-entry Project at Greater Boston Legal Services.

Seven of the cases in which violations were found between May 2012 and the end of 2016 involved improper access or sharing of information.

The other three involved officials from private companies or public agencies that failed to notify job applicants that their criminal record would be reviewed, did not provide applicants with a copy of their CORI or a chance to dispute its accuracy, or a combination of such violations.

Those types of violations, in particular (and similar cases involving landlords and tenant applicants) are believed to go unnoticed more often, Quirion said.

“Sadly, I think a lot of employers don’t comply,” she said.

Quirion also said the state’s process for investigating and adjudicating cases can be both slow and lenient.

Officials at the state’s Department of Criminal Justice Information Systems said they take steps to prevent violations by providing training as well as

detailed guidance, including posting information about CORI law on the state's website.

When complaints alleging violations are made, state officials said they investigate.

“There is a mechanism in place to address these issues if they come up,” said Felix Browne, a spokesman for the department.

From May 2012 through mid-May 2017, state officials received 106 complaints of CORI law violations. About a dozen were still pending, but the vast majority were dismissed.

Reasons can include dismissal for lack of jurisdiction, concluding no violation occurred, and for insufficient information to complete an investigation, officials said.

Hannah Tanabe, another attorney at Greater Boston Legal Services, described a recent complaint she helped a client bring to the state's attention.

After a woman had a job offer rescinded suddenly last year, she was told it was because of an old, out-of-state criminal charge the employer saw when they ran a background check.

The woman was adamant the record was inaccurate. And, Tanabe said, the employer violated CORI law by failing to give the woman a copy of the check it ran.

“Without knowing what they were they relying on and how they were making their determination, it leaves individuals pretty helpless,” Tanabe said.

The woman later sought help from the legal services organization and filed a complaint against the employer with the state in May 2016.

But Tanabe said the Criminal Record Review Board, which is charged with overseeing complaints about CORI law violations, didn't meet to discuss the case for several months. State officials ultimately dismissed the case because it involved an out-of-state charge, a ruling that Tanabe called “an incredibly narrow interpretation” of Massachusetts' law around CORI violations.

Browne, the spokesman for the state agency, said officials would not comment on a specific case but said generally officials here don't have jurisdiction to dispute the accuracy of out-of-state charges. He also said investigations are thorough and can take some time.

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