

KNOW YOUR CORI RIGHTS

CRIMINAL OFFENDER RECORD INFORMATION (CORI) SEALING AND CORI REFORM

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Photo courtesy of the Boston Workers Alliance

This booklet is made available through funding of the Gardiner Howland Shaw Foundation and is online with links to various forms at <http://www.masslegalhelp.org>

Revised January 22, 2016

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IMPORTANT. This information is provided as a public service by Greater Boston Legal Services and does not constitute legal advice which can only be given to you after a consultation with your own attorney. This information relates only to Massachusetts state court criminal records and Massachusetts laws in effect or passed on or before January 22, 2016 when these materials were last updated. You may photocopy and distribute this document.

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WHAT IS CORI AND HOW TO GET YOUR CORI REPORT

1. What is Criminal Offender Record Information (CORI)?

Criminal offender record information (CORI) is a person's criminal record history. Your CORI report is a summary of all your criminal cases in the Massachusetts state courts. CORI does not include restraining order cases or other non-criminal matters such as "51A" reports of child abuse or neglect made to the Department of Children and Families. However, a criminal case may be filed if a restraining order is violated or a child is abused.

Criminal records can make it hard to find a job, get housing or have a good life. Even if your criminal record is very old, it can create problems. If you have any past criminal cases, it is important to find out what is on your CORI report and whether the cases may be sealed.

2. Do I have a criminal record if I was found "not guilty" or my case was dismissed?

Yes. Criminal cases that end in your favor still leave you with a criminal record.

3. Where can I get a copy of my CORI report?

Getting a copy of your CORI report is an important first step in the process of learning about your rights and the impact that your CORI might have on you in your future. You can request a copy of your CORI report from the Department of Criminal Justice Information (DCJIS), the state agency in charge of responding to requests from employers and others who want to check a person's criminal history.

You can request your CORI report online for \$25 (or for free if you are indigent) on the DCJIS website: <http://www.mass.gov/eopss/agencies/dcjis/>

You also may request a CORI report by mailing a notarized CORI request form to DCJIS with a money order for \$25. If you are indigent, the fee can be waived if you also send in an Affidavit of indigency. These forms appear at the end of these materials and are available online with self-help instructions under CORI at: <http://Masslegalhelp.com>.

SEALING RECORDS

4. How do I seal my criminal records?

Most criminal records can be sealed eventually through an administrative process by mail after a waiting period, or by a judge without a waiting period. The major changes in the law as a result of CORI reform in 2010 and 2012: (1) shortened waiting periods by 5 years for sealing of records through the administrative process by mail, and (2) allow judges to seal cases

dismissed after probation instead of treating these cases like convictions that can be sealed only by mail after a waiting period.

Administrative Process by Mail

The administrative process involves filling in a form and mailing or delivering it to the Office of the Commissioner of Probation after a waiting period. The waiting period is 5 years for a misdemeanor and 10 years for a felony.

Cases where you were found guilty can only be sealed through this administrative process, except for first time drug possession convictions. Cases that ended in a "not guilty" finding, a dismissal or a nolle prosequi (a prosecutor dropped the case) also can be sealed by mail after the same waiting periods, or by a court after a hearing without a waiting period.

Sealing by a Court

A judge has the power to seal cases that ended in a "not guilty" finding, a dismissal or a nolle prosequi (the prosecutor dropped the case) without any waiting period. Under the old law, judges had no power to seal a dismissed case if the defendant was on supervised probation. Now a case dismissed after supervised probation with or without a CWO (a case "continued without a finding") can be sealed by a judge without a waiting period, OR by mail after a waiting period.

Judges also have the power to seal a first time drug possession conviction as long as the person did not violate the terms of probation or other requirements ordered by the court.

5. How does the process work to seal my cases by mail?

The process to seal records by mail is free and simple. You fill in, sign and mail a form after a waiting period. You can get the form from the Commissioner of Probation, One Ashburton Place, Boston, MA 02108 or on the internet at:
<http://www.mass.gov/courts/probation/sealingpetition.pdf>

The form is included at the end of the materials and is available online with self-help instructions under CORI at: <http://www.Masslegalhelp.com>

It is a good idea to get certified copies of the complaint and docket sheets in each case before you seal your records in the event that you need copies in the future. For example, see responses to Question 13 and Question 23 regarding immigrants and federal government jobs.

6. When do the waiting periods start if I want to seal my criminal cases by mail?

You can seal most misdemeanor cases after a 5 year waiting period and most felony cases after a 10 year waiting period. This process works as explained below.

Starting the CORI clock. Past probation or parole no longer add extra time to the waiting period for most cases. For any conviction, the waiting period starts from the date you were found guilty OR released from incarceration-- **whichever is later**.

For example:

Joe was found guilty of a misdemeanor on May 4, 2007, was on probation for a year, and his case closed on May 15, 2008. He can seal the case by mail on May 4, 2012, 5 years after he was found guilty.

Re-starting the CORI clock. Every time you are convicted or incarcerated, the clock re-starts to add another 5 years for a misdemeanor, and 10 years for a felony.

For example:

Mary was found guilty of a misdemeanor on March 17, 2011 and again on March 17, 2012, but did not serve a jail sentence. She cannot seal either case until March 17, 2017, which is 5 years after the last conviction.

Jack was found guilty of a misdemeanor and given a 1 year jail sentence on May 4, 2009. He got out of jail on June 4, 2010. He can seal his record by mail on June 4, 2015, which is 5 years from his release from incarceration.

Non-conviction clock. If you were found “not guilty” or your case was dismissed, or ended in a “nolle prosequi” (a dropped case), the waiting period runs from the date of this “disposition.”

For example:

Mae’s felony case was dismissed on May 4, 2011. A 10 year waiting year applies and she can seal it by mail on May 4, 2021. If she does not want to wait that long, she can ask a judge to seal it. Courts can seal dismissed cases or cases that ended in a nolle prosequi (a prosecutor dropped the case) or a not guilty finding without a waiting period. See Reply to Question 8.

Exception for a CWOFF (Continuance without a finding). If your case was dismissed after a CWOFF, the waiting period starts on the date of the CWOFF, not the later date of dismissal.

For example:

A judge entered a CWOFF in Marty’s felony case on May 1, 2004 and his case was dismissed on June 1, 2005. He can seal the case by mail on May 1, 2014 which is 10 years after the CWOFF. If he does not want to wait that long, he can ask a judge to

seal it. Courts can seal a dismissed case without a waiting period. See Reply to Question 8.

Convictions with Longer Waiting Periods. Certain convictions have extended waiting periods.

- Abuse prevention order and harassment order conviction exception.
Convictions for violations of abuse prevention or harassment prevention orders are treated as felonies for purposes of sealing records and have a 10 year waiting period.
- Sex offense conviction exception.
Any **conviction** for a sex offense that required registering with the Sex Offender Registry is not eligible for sealing until 15 years *after* the very last event in the case, *including* the end of any period of supervision, probation, parole, or release from incarceration.

7. Are there convictions that can NEVER be sealed or limits on sealing criminal records that involve sex offenses?

Yes. There are a number of exceptions for certain types of offenses.

- **Public Justice Crime Conviction exceptions.** A **conviction** of any person for a crime against public justice can NEVER be sealed. Examples include convictions for resisting arrest, witness intimidation, or escape from jail.
- **Certain firearms and state ethics and/or conflicts of interest law exceptions.** For example, a conviction for bribery of an elected official can NEVER be sealed.

The public justice crimes and state ethics and conflicts of interest offenses are found in Chapters 268 and 268A of the Mass. General Laws. The never sealable firearms offenses are found in Sections 121-131H of Chapter 140 of the Mass. General Laws.

IMPORTANT. Even if you have a **conviction** that can never be sealed, you can still seal other types of cases that are eligible for sealing. Also, if your case for one of these never sealable crimes was dismissed or there was a “not guilty” finding or a nolle prosequi (dropping of the case), the case can be sealed. Only **convictions** for these charges can never be sealed.

- **Sex offense registry exceptions.** A person who is presently registered as a sex offender is NOT permitted to seal any cases by mail through the administrative process even if the cases do not involve sex offenses.
- **Level 2 and 3 sex offender status exceptions.**

If a person is or was ever registered as a Level 2 or Level 3 sex offender, he or she can NEVER seal convictions for certain sex offenses (*i.e.* rape of a child, assault with intent to rape, drugging a person for sex and other offenses as defined by Section 178C of Chapter 6 of the Mass. General Laws). The person can seal other types of cases that are eligible for sealing once he or she is no longer required to register as a sex offender.

8. When can I ask a judge to seal my criminal cases and what is the process?

A judge in the court that handled the criminal case has the power to seal:

- a first time drug **possession** conviction where you did not violate any court orders connected to being on probation or a "CWOFF" (continuance without a finding), such as going to drug treatment or doing community service.
- any cases where you were found "not guilty," and
- any cases that were dismissed or ended in a nolle prosequi (a case dropped by the District Attorney) **even if you were on probation.**

Before the last part of CORI reform took effect on May 4, 2012, dismissed cases with supervised probation were treated like convictions and could not be sealed by a judge. Now these cases can be sealed by a judge without a waiting period or by mail after a waiting period through an administrative process.

Burden of Proof

The Supreme Judicial Court (SJC) has made it easier to seal criminal cases through the court process. In Commonwealth v. Pon, 469 Mass. 296, 14 N.E.3d 182 (2014), the SJC threw out the old legal standard for sealing of cases that was very strict and based on the public's First Amendment right to see your records. Under the new legal standard, you have to show "good cause" to seal a record. To show there is "good cause" to seal records, there must be "credible" evidence of a "disadvantage" at the present time OR possibly in the future that relates your CORI. Things that a judge can consider are:

- Your CORI puts you at a disadvantage in applying for jobs or housing;
- You were denied a job or are at risk of job rejections, unemployment or underemployment due to your CORI;
- You have trouble getting housing, or are homelessness, or at risk of homelessness related to CORI;
- Employers use CORI in your present occupation or an occupation you'd like to have;
- The CORI reduces opportunities for advancement (promotion, internships, better or higher paying jobs);
- You and/or your family are on public assistance despite your efforts to get a job;
- You have trouble volunteering or doing community activities due to CORI;
- A lot of time has passed since the case was filed against you;
- You are sober and have made efforts to rehabilitate yourself;
- You have made efforts toward self-improvement (classes, programs, GED, degree, certificate, etc.);
- You do volunteer work and/or other work to help in your community;
- You successfully completed probation in your case(s);

- You have had no further contact with the criminal justice system;
- You have other evidence of rehabilitation from the date of the offense or dismissal;
- Your situation at the time of the offense should be considered (*e.g.* you were a teenager);
- There is stigma or stereotypes related to the case that hurt your chances to get a job, etc.; and
- The reason for dismissal or nolle prosequi (dropping of a case) and any other information relevant to sealing your case(s). For example, you were found not guilty, wrongly identified by police, etc.

The Court Process

The process to seal cases in court is free. It involves filing a petition to seal (and often a motion to seal) and going to court for hearings. You are allowed to file letters to support your petition and an affidavit (a sworn statement) that explains why it is important to seal your records. It is a good idea to get certified copies of the complaint and docket before you seal records in case you need copies later on. Petition and motion forms are included in the appendix at the end of these materials and are online in the CORI part of the legal services web site at: <http://www.Masslegalhelp.com>

If you have already sealed some cases, and are going to court to try to seal other cases, the judge should not consider the sealed records. The law (Chapter 276, Section 100A) permits sealed records only to be used for sentencing after a later criminal conviction, or in civil cases such as abuse prevention and/or child custody cases. See replies to Questions 19 and 20 for more information.

9. What can most employers or landlords see on my CORI if my cases are not sealed?

Most employment, housing and licensing screeners see only convictions and “open” criminal cases, meaning cases that are still going on (*i.e.* you’re on probation, have court hearings, owe court fees or have a fine to pay on your case, etc.).

10. Is it true people no longer need to seal their records because of CORI reform?

No. The Department of Criminal Justice Information Services (DCJIS) now holds back cases from CORI given to most employers, housing or licensing screeners **IF** the cases are eligible for immediate sealing under the mail-in process after the 5 or 10 year waiting period. The fact that these cases are held back from CORI given to many employers or housing screeners under the new law does not necessarily mean you should not seal these cases.

There are exceptions in the law that permit access to CORI even if a case is immediately eligible for sealing by mail. Many employers, including but not limited to schools, camps, nursing homes, and assisted living facilities are granted special access to old convictions and cases that ended favorably in dismissals, nolle prosequi or a not guilty finding – that is, **UNLESS** the cases

have been sealed. Your cases, including old or dismissed cases, may be included in CORI given to certain employers or agencies authorized to receive this information UNLESS you seal these records.

Under the new law, each time you are convicted, the employer, housing screener, or licensing screener gets CORI that includes all your convictions, no matter how old UNLESS the cases are already sealed.

Manslaughter, murder and sex offense convictions also are treated differently. Employers and housing screeners always see these convictions on CORI unless the cases are sealed.

JUVENILE RECORDS

11. Can an employer ask me about my juvenile court records?

A juvenile case is not considered a criminal record. An employer is not permitted to ask about a juvenile court case EXCEPT when the juvenile was tried as an adult, and therefore, the case became part of adult CORI.

A form you can use to get a free copy of your juvenile record is included at the end of these materials and is available online at: <http://www.mass.gov/courts/probation/juv-rec-req.pdf>

12. When and how can I seal my juvenile records?

The waiting period to seal juvenile records is shorter than adult waiting periods.

You can seal your juvenile record if you are not in the sex offender registry AND

(1) at least 3 years have passed since your juvenile case closed; and

(2) at least 3 years have passed since you were last adjudicated in Juvenile Court or last found guilty of a crime in any court, except for a motor vehicle offense with a fine of not more than \$50;

(3) and at least 3 years have passed since you were last imprisoned or committed in or outside of Massachusetts.

You can ask to seal your juvenile records at the same time you seal adult cases if you check off the juvenile record sealing box on the same form used to seal adult cases by mail. Anyone eligible to seal adult CORI records by mail usually is eligible to seal juvenile records at the same time.

IMMIGRANTS AND CORI SEALING

13. Should immigrants who are not citizens seal their records?

Your criminal record history is reviewed when you apply for a "green card," citizenship or try to change your immigration status. If you are not a citizen, you should talk to an immigration lawyer

before sealing any records. Otherwise, you may have to go to each court where a record is sealed to ask a judge to unseal the case so you can get papers you need for purposes of immigration. You might not get papers you need in time for an immigration hearing if the case is sealed. Certified copies of the complaint, docket, and police report are usually needed.

CORI SELF-AUDITS

14. How can I use the new “self-audit” process to find out who looked at my CORI?

You can request a FREE CORI self-audit from the Department of Criminal Justice Information Services (DCJIS) every 90 days which tells you who viewed your CORI. The self-audit will NOT tell you whether police, probation, courts or other criminal justice agencies have looked at your CORI. You also can get a copy of the self-audit from online at <http://www.mass.gov/eopss/agencies/dcjis/>

AFTER YOUR RECORDS ARE SEALED

15. Once I seal all of my criminal cases, can I tell an employer I have no record?

Yes. If present or future employers, including employers from the private sector, non-profits, government agencies, or other employers ask for information that involves your sealed cases, you may answer that you have “no record” with regard to those sealed cases.

16. Can someone who goes to the courthouse look at my sealed record?

In general, most people cannot review your sealed court file. The law requires clerks and employees of the clerks’ offices of the courts and the Commissioner of Probation to report “no record exists” to all who ask about a record, except for “any law enforcement agency,” “any court” or “appointing authority”--meaning those given special access to sealed records under the law.

17. Will employers or others know that I have a sealed record?

MOST employers and CORI requesters will **NOT** find out about your sealed records. A myth persists that the CORI given to employers says whether a person has a sealed record. This is untrue. In most cases, the CORI report they receive from the Department of Criminal Justice Information Services (DCJIS) will indicate you have no record if all of your cases are sealed.

18. Who can find out about my sealed records?

The law permits certain employers and state agencies to get information about sealed records.

- All criminal justice agencies (police, probation, courts, etc.) get access to sealed record information on and after May 4, 2012 as part of CORI reform.
- The Department of Early Education and Care screens childcare workers and has access to sealed record information in the hiring process.

- The Department of Children and Families (DCF) and the Department of Youth Services (DYS) get access to sealed cases when people try to adopt a child or become foster parents.

USE OF RECORDS IN LATER COURT CASES

19. Can my sealed record be used against me in a later criminal case?

Yes and no. Juvenile records and most sealed adult criminal records may be considered at the time of sentencing if you are found guilty in a later criminal case. However, a sealed record for a case that ended in a finding of “not guilty,” a “no bill” from a Grand Jury, or a “no probable cause” finding cannot be used against you in a later criminal case.

If you have already sealed some cases, and are going to court to try to seal other cases, the judge should not consider the sealed records. The law permits sealed records only to be used for sentencing after a later criminal conviction, or in limited civil cases-- child custody, abuse prevention cases and domestic relations cases involving safety of a person. (Chapter 276, Section 100A).

20. Can my sealed record be used against me in a later civil court case?

Yes and no. Most of the time, sealed criminal records cannot be used in civil cases. As a result of CORI reform, there are new exceptions for certain civil cases which include: abuse prevention cases, divorce, paternity, separate support, guardianship, termination of parental rights, and care and protection cases when the records are relevant to the issues of abuse, safety of a person or custody or visitation of a child. In these types of cases, the records may be used in a closed private hearing if the judge decides they are relevant and could be put in evidence in the case.

EMPLOYMENT DISCRIMINATION

21. Can an employer refuse to hire all job applicants with criminal records?

This kind of hiring policy usually is illegal. The U.S. Equal Employment Opportunity Commission (EEOC) says that blanket hiring policies that automatically reject any job applicant with a criminal record are discriminatory and violate civil rights laws. This is because using criminal records as a reason not to hire workers has a “disparate impact” (a greater effect) on racial minority groups.

Hiring or firing policies that reject all workers with criminal records violate Title VII of the Civil Rights Act of 1964 unless the employer can show it is necessary for the business to do so or a particular law makes the person ineligible for the job.

Guidance from the EEOC cautions employers that they should conduct an individualized assessment. Factors to consider include the age of the offense, the nature and seriousness of the offense, the age of the person at the time of the offense and completion of the sentence, rehabilitation efforts, success in a same job without incident after the offense, and the relationship between the type of

offense and the job. The EEOC issued new guidance in 2012 which explains this topic in more detail on its web site: http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

22. How does the law protect me from discrimination based on CORI?

Ban the Box. The "Ban the Box" provision in the law went into effect on November 10, 2010 and makes it illegal for most employers to ask about any criminal record on the initial job application. There is an EXCEPTION, however, when a state or federal law creates a legal presumption that a person is disqualified for a job based on certain convictions, or allows a particular type of employer to ask about this information.

Getting copies of your own CORI. It is illegal for employers to ask you to give them a copy of your own CORI or arrest records at any stage of the hiring process. A CORI report sent to you may include cases that certain employers have no right to see. All cases appear on a CORI that you get for yourself, but not all cases will necessarily appear in the CORI that the employer sends for with your permission.

Employment and housing rejections. Effective May 4, 2012, employers, landlords, housing authorities, or professional licensing agencies that use CORI or a criminal history report and reject a person based on the report, must provide the person with a copy of the report. You should review the report carefully to see if there are errors that should be corrected. You also can try to use this opportunity to explain why your CORI is not related to the job. If you think the employer has discriminated against you based on your criminal record, see the reply to Question 21.

State government jobs. The law states that "sealed records shall not operate to disqualify a person in any examination, appointment or application for public employment in the service of the commonwealth or of any political subdivision" --meaning your sealed records cannot be used as basis to find that you are not qualified for a job.

IMPORTANT. If any of your records are sealed, you do not have to give information about any sealed charge or case at any stage of the hiring process. You may answer that you have "no record" as to any sealed criminal charge or case.

Questions employers are not allowed to ask at any stage of hiring. Whether or not criminal records are sealed, the anti-discrimination law and the record sealing laws prohibit most employers at any stage of the hiring process from inquiring about an offense that is:

- (1) a criminal case that did NOT end in a conviction; or
- (2) an arrest or criminal detention (*e.g.* being held at a police station) that did NOT end in a conviction; or
- (3) a first conviction for drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace; or

(4) a conviction for a misdemeanor where the date of the conviction OR your release from incarceration was 5 or more years ago; or

(5) a juvenile record, except for juvenile cases that transferred from the Juvenile Court to an adult court and where the juvenile is tried and convicted as an adult; or

(6) a sealed criminal record.

What employers may ask at later stages. At later stages in the hiring process after the initial job application, employers can ask about convictions. At this stage, they can ask you about:

(1) any felony conviction that happened at any time **if it is not sealed**;

AND

(2) any misdemeanor conviction that was not a first time conviction for drunkenness, simple assault, speeding, a minor traffic violation, affray, or disturbing the peace IF: (a) you were convicted OR released from incarceration for the misdemeanor conviction during the last 5 years AND (b) the case is not sealed.

If your convictions are sealed, you do NOT have to say anything about them. The law permits you to say "I have no record" with regard to any conviction or case that you have sealed. For more information about discrimination and questions employers can ask, go to the Massachusetts Commission Against Discrimination web site: <http://www.mass.gov/mcad/>

The employer has to give you a copy of your CORI or criminal background report before asking about cases on the report.

Important. Be aware that some employers get CORI that includes more than convictions or pending cases. If you apply for a job at a school, nursing home, or similar job working with vulnerable populations, your CORI will include dismissed and other favorably ending cases UNLESS these cases are sealed. A law passed in 2013 requiring fingerprinting of teachers and school employees who have unsupervised contact with children. This may link employees to past criminal cases if they were fingerprinted in connection with these cases. Daycare employers also get CORI that includes sealed record information.

Governor's Executive Order 495 and Human Services Regulations. State agencies, such as human services agencies, are under an Executive Order and regulations that require them to wait until the final stage of the hiring process (after they find you qualified for a job) to ask questions about criminal records.

A copy of the Executive Order is on the Governor's office web site at:

<http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/exec/eo450-499.html>

The CORI regulations are on the internet at:

<http://www.mass.gov/eohhs/provider/regs/criminal-offender-record-checks-cori.html>

FEDERAL JOBS AND THE FBI

23. What if I apply for a job with the federal government?

If a person with a sealed record applies for a job with the federal government, the agency may use the FBI's criminal record database. The FBI record may include cases from a state court, including sealed cases. It is not unusual for the FBI record to have information that a case was filed, but no information about the outcome of the case such as a "not guilty" finding or dismissal. The FBI can add information about the outcome of a case and/or sealing of the case if you give them proper documentation such as copies of a complaint, docket sheet or sealing order.

The contact for FBI records in Massachusetts is the Massachusetts State Police, 59 Horse Pond Road, Sudbury, MA 01776. The telephone number is 508-358-3170.

More information about FBI records and how to obtain or correct FBI records is available on the FBI website at: <http://www.fbi.gov/about-us/cjis/background-checks/faqs>

PRIVATE BACKGROUND CHECKS

24. Should I worry about private background checking companies or agencies?

Yes. People should be aware that employers and others are able to get information not only from the state CORI system, but from private data mining companies that make money selling this information. These private companies and consumer reporting agencies (CRA's) look at criminal records in clerk's offices and gather information from public sources. Their background reports are known to contain mistakes. They do not always update their records after a case is dismissed or ends in your favor.

IMPORTANT. If employers, housing authorities, and landlords want to reject you based on your CORI (or other criminal background report) or ask questions about it, they must give you a copy of the report. They must let you dispute errors in the report.

A new law that passed as part of CORI reform gives incentives to employers to obtain records through the state CORI system. Effective May 4, 2012, use of the state CORI system for criminal background checking protects employers in certain circumstances from liability for negligent hiring decisions made within ninety days of receipt of CORI.

Some employers also may use credit reporting agencies whose reports contain mistakes. You have a right to: (1) a free copy of the report; and (2) a right to dispute and fix mistakes on it.

The Federal Trade Commission enforces the Fair Credit Reporting Act and has a website with information about how to correct errors on these reports:

<http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre36.shtm>

EXPUNGEMENT AND FIXING CORI MISTAKES

25. What is expungement and when can I get a case expunged?

Sealing of a case only limits who has access to the record of the criminal case. Expungement means records of the case are destroyed and disappear. Massachusetts has no expungement law. At present, our highest state court allows expungement only when there is identity fraud and the person who was arrested pretended to be you or gave your name as his or her name. If you have a criminal case where this happened, it is advisable to seek legal advice and look into possible expungement of the record.

26. What can I do if my CORI report has errors or cases that do not belong to me?

If a case appears on your record that has nothing to do with you because of a clerical error or similar mistake, you can contact Probation at the court connected to the case and ask them to remove the case from your record. You also can ask Probation or the Department of Criminal Justice Information Services (DCJIS) to help you fix other errors. A Complaint form to request help from DCJIS to correct CORI mistakes is included at the end of these materials and is available on the DCJIS website at: <http://www.mass.gov/eopss/agencies/dcjis/>

SEALING CASES IN FEDERAL COURT OR OTHER STATES

27. Can Massachusetts state courts seal cases from federal court or other states?

No. The Massachusetts state courts have no power to seal cases in other states. Whether you can seal cases in another state's court depends on the law of that state. Massachusetts state courts also have no power to seal federal court cases.

Important. There is no federal law similar to our Massachusetts law which permits sealing of most cases eventually. However, if you were under the age of 21 at the time of a first-time conviction under the Controlled Substances Act (18 U.S.C. § 3607), you may request that the federal court that heard the case expunge the record.

Your ability to seal other cases in a federal court will depend on whether the particular federal court or "circuit" (region) takes the position that the federal court has the power to seal other criminal cases.

TAX CREDITS

28. Are tax credits available to employers who hire people with criminal records?

Yes. There is a federal Work Opportunity Tax Credit (WOTC) for employers who hire people convicted of a felony within a year of the conviction or the date of release from prison. The tax credit often is \$2400. More information is available on the Department of Labor web site: <http://www.doleta.gov/business/incentives/opptax/eligible.cfm>

BOSTON CORI ORDINANCE AND OTHER CITY ORDINANCES

29. What does the Boston CORI ordinance or similar ordinances do to protect me from discrimination based on my CORI when I apply for a job working for the city or its vendors?

The City of Boston is a large employer and has contracts with thousands of vendors for city services. The City of Boston has a CORI ordinance and regulations aimed at providing job opportunities to people in Boston who may have criminal histories.

Non-sensitive jobs. Section 4.7 of the City of Boston Municipal Code provides that vendors are not allowed to check the CORI of a job applicant unless the employer determines "in good faith" that the nature of the job is "sensitive." Regulations define sensitive jobs as positions involving unsupervised contact with children under age 18 or people who are elderly or disabled, or where a "good faith determination is made that the position is of such sensitivity that a CORI report is warranted."

Sensitive jobs. If a job is sensitive, the employer is allowed to check CORI, but cannot do so until AFTER the job applicant is found to be qualified for the job. In reviewing the CORI, the employer must consider the seriousness of the offense, the relevance of the offense (whether the offense bears any connection to the job duties), how old the offense is, and "occurrences in the life of the applicant" since the time of the offense. "Occurrences in the life of the applicant" is not defined in the ordinance, but likely includes, but is not limited to evidence of rehabilitation, sobriety, educational achievements, self-improvement efforts, church and/or civic activities and/or volunteer work, and/or youth at the time of arrest. This is similar to the criteria set forth in EEOC guidance discussed above in response to Question 21.

If you are denied a job, the employer must tell you the reason for the denial and give you a copy of the CORI they received and a chance to correct any mistakes on it and to dispute the relevancy of the offense to the job. Section 4-7.3, City of Boston Municipal Code. If you believe the employer violated the ordinance, you can file a complaint with the City of Boston Office of Fair Housing and Equity. The City can require employers who fail to comply with the ordinance to attend trainings and the employers can lose their contracts for up to two years. The city website has information at: <http://www.cityofboston.gov/fairhousing/cori.asp>

Cambridge and Worcester CORI Hiring Protections. The City of Cambridge and the City of Worcester have similar CORI ordinances that offer similar protections such as no CORI checks for non-sensitive jobs and review of CORI only after a person is found qualified for a sensitive job.

Copies of the Boston, Cambridge and Worcester CORI ordinances and the Boston CORI regs. These can be found on the masslegalservices website: <http://www.masslegalservices.org/library-directory/cori>

KNOW YOUR CORI RIGHTS
APPENDIX 1: RESOURCES FOR LOW INCOME PEOPLE

LEGAL ASSISTANCE RESOURCES

Masslegalhelp.org. To get forms to send for your CORI or seal cases, self-help booklets, and easy-to-read information about your legal rights related to CORI or to find a legal services program near you, go to the Massachusetts legal services web site on the internet:
www.masslegalhelp.org

Massachusetts Department of Criminal Justice Information Services (DCJIS). To get a copy of your CORI online or by mail, or to find help to fix mistakes on your CORI, contact DCJIS at 617-660-4640 or go to their web site: <http://www.mass.gov/eopss/agencies/dcjis/>

Legal Advocacy & Resource Center (LARC). LARC is a free legal hotline for low income people where callers get legal advice and information or are referred to other legal and social service agencies. LARC does intake and case screening for Greater Boston Legal Services and other Boston area legal services programs. For help, call: 617-603-1700 and toll-free at 1-800-342-LAWS.

CORI help for Boston residents. Greater Boston Legal Services has a CORI information table for Boston residents from 9 a.m. to noon for walk-ins at the Roxbury Court, 85 Warren St., Roxbury on the 3rd Thursday of the month and at Dorchester Court, 510 Washington St., Dorchester on the 2nd and 4th Wednesdays of the month from 9 a.m. to noon.

Massachusetts Bar Association Dial-a-Lawyer: First Wednesday of the month from 5:30 p.m. – 7:30 p.m. MBA attorneys answer criminal or civil law matter questions **for free** if you call 617-338-0610 or 877-686-0711 (toll-free). Calls only. No walk-ins.

LEGAL RESOURCES FOR DISCRIMINATION CLAIMS

Massachusetts Commission against Discrimination (MCAD)

One Ashburton Place, Room 601
Boston, MA 02108
617-994-6000 (Hours are M-F: 9 a.m. to 4 p.m.)
Web site: <http://www.mass.gov/mcad/offices.html>

U.S. Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000 TTY: 1-800-669-6820
Web site: <http://www.eeoc.gov/field/boston/index.cfm>
Service Hours are M-F: 8:30 a.m. to 3:00 p.m. The EEOC suggest you call them before visiting.
Fair Employment Project, Inc.

122 Boylston St., Jamaica Plain, MA 02130
617-390-2593
<http://www.fairemploymentproject.org>

REDUCED FEE LEGAL REFERRALS

MASSACHUSETTS BAR ASSOCIATION LAWYER REFERRAL SERVICE

20 West Street
Boston, MA 02111-1214
617-654-0400 or 1-866-627-7577 or 617-338-0585 (TTY)
Web site: <http://www.masslawhelp.com>
MBA service hours: M – F: 9 a.m. – 4:45 p.m. Calls only. No walk-ins.

BOSTON BAR ASSOCIATION LAWYER REFERRAL SERVICE

16 Beacon Street
Boston, MA 02108
617-742-0625
Website: <http://www.bostonbarlawyer.org>
BBA service hours: M - F 9 a.m.-5 p.m. Call or apply online. No walk-ins.

BOSTON COMMUNITY ORGANIZATIONS HELPING WORKERS WITH CORI PREPARE FOR & LOOK FOR JOBS

Boston Workers Alliance

140 Winthrop St. Roxbury, MA 02119
617-606-3580

STRIVE

651 Washington Street, Boston, MA 02124
617-825-1800

KNOW YOUR CORI RIGHTS

APPENDIX 2: FORMS

Some of these forms are posted on more than one internet site. There is information about how to fill out many of these forms on the CORI part of legal services web site at: <http://www.masslegalhelp.com>. Copies of these forms are included in the following pages for your convenience.

1. CORI Request Form:

<http://www.mass.gov/eopss/agencies/dcjis/>

2. Affidavit of Indigency (for waiver of fee):

<http://www.masslegalhelp.org/cori/forms-and-letters#AffofI>

<http://www.mass.gov/eopss/agencies/dcjis/>

3. Petition to Seal (by mail):

<http://www.mass.gov/courts/selfhelp/criminal-law/seal-record.html>

<http://www.masslegalhelp.org/cori/forms-and-letters>

4. Petition to Court to Seal (for use in court):

<http://www.masslegalhelp.org/cori/forms-and-letters>

5. Juvenile record request form:

<http://www.masslegalhelp.org/cori/juvenile-records>

6. CORI Self-Audit form:

<http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/>

7. Complaint forms (to correct incorrect CORI):

<http://www.mass.gov/eopss/agencies/dcjis/i-want-to-file-a-cori-complaint.html>

These forms are not included in the following pages because there are several different versions depending on the error. Please visit the website to see which one you need.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4640 | TTY: 617-660-4606
MASS.GOV/CJIS



Criminal Offender Record Information (CORI) Personal Request Form

If you have a valid Massachusetts I.D. or driver's license and are not submitting an indigency waiver, you may submit your CORI request online at Mass.gov/CJIS. This form is only to be used to request **your own personal CORI information**. In Massachusetts, it is illegal for an employer or any other entity to require someone to provide a copy of his/her personal CORI.

A money order or bank issued Cashier's or Treasurer's check in the amount of **\$25.00 made out to the Commonwealth of Massachusetts** must be submitted with this form. Please note that these are the only acceptable forms of payment. **Do not send cash, personal checks, or business checks.** This form, along with payment or indigency waiver, must be mailed to the address above, **Attn: CORI Unit**.

REQUEST INFORMATION

* Are you submitting an indigency waiver? ☐ Yes ☐ No

Please note: You will need to submit an indigency waiver if you are indigent. The indigency waiver form can be found at <http://www.mass.gov/eopss/docs/chsb/affidavit-of-indigency.pdf>.

Requestor Details

Please type or print clearly. Items marked with an asterisk (*) MUST be completed.

* First Name: _____ Middle Initial: _____

* Last Name: _____ Suffix (Jr., Sr., etc): _____

* Date of Birth (MM/DD/YYYY): _____ Probation Central File (PCF) Number(s) (if known): _____

* Last **SIX** digits of your Social Security Number: ____ -- ____ ☐ I do not have a Social Security Number

Father's First Name: _____ Father's Last Name: _____

Mother's First Name: _____ Mother's Last Name: _____

☐ Please check this box if you would ALSO like to request your personal CORI with your former last name(s):

Former Last Name 1: _____

Former Last Name 2: _____

Former Last Name 3: _____

Former Last Name 4: _____

Mailing Address

* Street Address: _____

Apt. # or Suite: _____ *City: _____ *State: _____ *Zip: _____

Personal Phone Number: _____

Email Address: _____

*****PLEASE NOTE: If you are requesting your CORI for immigration purposes, and you have additional paperwork regarding the names requested, please attach a copy of the paperwork to this form.*****



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4640 | TTY: 617-660-4606
MASS.GOV/CJIS



Personal CORI Request Authorization

I hereby swear, under penalties of perjury, that the information I have provided above is true to the best of my knowledge and belief.

Signature of Individual Authorizing CORI Request

Date

Authentication of Signature

Please note that ALL fields in this section must be completed by the Notary Public. This section does not need to be completed if you are currently incarcerated; please proceed to the next section.

On this _____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____ (name of CORI requestor) and proved to me through satisfactory evidence of identification, which was _____ (Ex: Driver's license, passport, etc.), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Signature of Notary Public (Notary stamp or seal is also required)

Date my Commission expires

Correctional Facility Information

If you are currently incarcerated, a correctional facility official MUST complete the following section.

Name and rank of Correctional Facility Official (Please print.)

Phone Number

Address of Correctional Facility

Signature of Correctional Facility Official

Date



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4640 | TTY: 617-660-4606
MASS.GOV/CJIS



Affidavit of Indigency
(To Be Submitted with Personal Request Form)

You or your client (if you are submitting a personal CORI request on behalf of a client), may be eligible for a waiver of CORI request fee. In order to apply, please complete this affidavit of indigency. Please note, you must select the option below that most closely describes you or your client's financial status.

Requestor Details

Please type or print clearly. Items marked with an asterisk (*) MUST be completed.

* First Name: _____ Middle Initial: _____
* Last Name: _____ Suffix (Jr., Sr., etc): _____
* Street Address: _____
Apt. # or Suite: _____ *City: _____ *State: _____ *Zip: _____

Indigency Details

*Pursuant to M.G.L. c. 6, §172A, I swear (or affirm) as follows: I AM INDIGENT in that: (select "yes" to at least one option)

1. Do you receive public assistance?

☐ Yes ☐ No

If yes, select the programs you receive assistance from:

- ☐ Massachusetts Transitional Aid to Families with Dependent Children (TAFDC)
☐ Federal Supplement Security Income (SSI)
☐ Emergency Aid to Elderly, Disabled and Children (EAEDC)
☐ Medicaid (MassHealth)
☐ Massachusetts Veterans' Programs

2. Is your income 125% or less of the current poverty threshold published in the Federal Register by the U.S. Department of Health and Human Services?

☐ Yes ☐ No

3. Can you pay the CORI fee without depriving yourself or your dependents of the necessities of life?

☐ Yes ☐ No

If yes, you must complete these boxes:

Gross Monthly Income: _____ Gross Income for the Past Twelve Months: _____

If employed, please list your occupation and employer's name and address: _____

If unemployed, please list your source of income: _____

4. Are you currently incarcerated?

☐ Yes ☐ No

I request that the Department of Criminal Justice Information Services waive the fee for a Personal Criminal Record Information (CORI) request under penalty of perjury.

Signature of Individual Making CORI Request

Date

PETITION TO SEAL

To: Commissioner of Probation, One Ashburton Place, Rm. 405, Boston, MA 02108

SELECT appropriate box(es). If 1, 2, or 3 are selected, you must sign the corresponding numbered affidavit below.

PART A

1 - 4

1

☐

Section 100B - Chapter 276. Delinquency (juvenile) cases, all sentence elements of which, and of any subsequent court appearances, were completed 3 years prior to this request.

2

☐

Section 100A - Chapter 276. Misdemeanor cases, all sentence elements of which, and any subsequent court appearances, were completed 5 years prior to this request (or, which was a felony when committed, and is presently a misdemeanor).

3

☐

Section 100A - Chapter 276. Felony cases, all sentence elements of which, and of any subsequent court appearances, were completed 10 years prior to this request. For eligible sex offenses 15 years prior to this request.

4

☐

Section 100A - Chapter 276. Recorded offense which is no longer a crime, except where the elements of the offense continue to be a crime under a different designation.

Print

Date of Birth:

Last name

First name

Middle name

Alias/Maiden/Previous name _____

Mailing Address _____

City _____

State _____

Zip _____

Occupation _____

Social Security # _____

Place of Birth _____

Father's Name _____

Mother's Maiden Name _____

Husband/ Wife's Name _____

Petitioner's Signature _____

In accord with the provision of Chapter 276, Sections 100A and 100B, as established by Chapter 686 of the Acts of 1971, Chapter 404 of the Acts of 1972, Chapter 322 of the Acts of 1973 and Chapter 256 of the Acts of 2010, respectively, I hereby request that my record of adult criminal and/or juvenile Massachusetts court appearances and dispositions be sealed forthwith.

To the best of my knowledge:

1.

☐

a) My delinquency court appearances or dispositions including court supervision, probation, commitment or parole, the records for which are to be sealed, terminated not less than three years prior to said request; b) I have not been adjudicated delinquent or found guilty of any criminal offense within the commonwealth in the three years preceeding such request, except motor vehicle offenses in which the penalty does not exceed a fine of fifty dollars nor been imprisoned under sentence or committed as a delinquent within the commonwealth within the preceeding three years; and c) I have not been adjudicated delinquent or found guilty of any criminal offenses in any other state, United States possession or in a court of federal jurisdiction, except such motor vehicle offenses as aforesaid, and have not been imprisoned under sentence or committed as a delinquent in any other state or county within the preceeding three years.

Signed under penalties of perjury,

Signature of Petitioner

To the best of my knowledge:

2.

☐

a) All of my court appearance and court disposition records, including any period of incarceration or custody for any misdemeanor occurred not less than five years prior to this request; b) that my court appearance and court disposition records, including any period of incarceration or custody for any felony occurred not less than ten years prior to this request; c) that I have not been found guilty of any criminal offense within the commonwealth in the case of a misdemeanor, five years before such request, and in the case of a felony, ten years before such request, except motor vehicle offenses in which the penalty does not exceed a fine of fifty dollars; d) I have not been convicted of any criminal offense in any other state, United States possession or in a court of federal jurisdiction, except such motor vehicle offenses as aforesaid, and have not been imprisoned in any other state or county in the case of a misdemeanor within the preceeding five years and in the case of a felony the preceeding ten years; and e) my record does not include convictions of offenses other than those to which the section applies, or convictions for violations of sections 121 to 131 H, inclusive, of chapter 140 or for violations of chapter 268 or chapter 268 A.

Signed under penalties of perjury,

Signature of Petitioner

PETITIONER NOT TO WRITE BELOW THIS LINE

Petition Allowed/Disallowed

01

02

03

04

Allowed (Copy to Clerk and Probation Office)

Reason for Disallowance (Copy to petitioner only)

**PETITION TO SEAL RECORD(S)
UNDER G. L. c. 276, § 100C**

TRIAL COURT OF MASSACHUSETTS

PETITIONER'S NAME *(please print)*

PETITIONER'S ADDRESS *(please print)*

TELEPHONE #

PCF #

DOCKET NUMBER

OFFENSE/CHARGE

(please list each one on a separate line)

**DISPOSITION
DATE**

DISPOSITION

**COURT
USE ONLY**

☐ seal

☐ seal

☐ seal

☐ seal

☐ seal

☐ seal

☐ Please see the attached continuation sheet listing additional case(s).

I request this Court to order that the record(s) of the criminal charge(s) listed above be sealed for the following specific reasons: *(Please print and attach documents as necessary)*

DATE:

SIGNED UNDER THE PENALTIES OF PERJURY

PETITIONER'S SIGNATURE:

ORDER OF COURT

☐ A hearing on the merits of petition to seal is scheduled on _____, at _____ ☐ AM ☐ PM
(no sooner than 7 days). The clerk-magistrate shall ensure that notice of the hearing is given to the probation department and the prosecutor's office, and shall post a copy of the petition on a public bulletin board until the scheduled hearing. The prosecutor's office is advised to give notice to the victim(s), if any, and to inform the victim(s) she/he/they may appear and be heard.

☐ After review of the petition and any attachments and/or the preliminary hearing, the Court finds that no prima facie case in favor of sealing has been shown, and the petition to seal is **DENIED**.

DATE:

JUDGE'S SIGNATURE:

TRIAL COURT OF MASSACHUSETTS

PETITIONER'S NAME <i>(please print)</i>	PETITIONER'S ADDRESS <i>(please print)</i>	TELEPHONE #
		PCF #

[illegible]



JUVENILE CARI REQUEST

(for use by offenders only)

If you would like to obtain a copy of your CARI (Court Activity Record Information) of your **Juvenile** cases, you must complete the entire form below and mail it with a self-addressed, stamped envelope to:

**Massachusetts Probation Service
One Ashburton Place, Room 405
Boston, MA. 02108
Attn: Records Unit**

FULL NAME (print) _____

Other names (aliases/maiden) _____

Street address (current) _____

City _____

State _____

Zip Code _____

Date of Birth _____

Place of Birth _____

Social Security Number _____

Mother's name (first, maiden,last) _____

Father's full name _____

By signing below, I authorize the Massachusetts Probation Service to access my juvenile CARI, print it and mail it to the address I have provided above.

I have attached a copy of my current driver's license or other current photo identification to verify I am the person named above and in CARI.

YOUR Signature: _____

Date: _____

To request a copy of your **Adult** CORI, please make your request to the Department of Criminal Justice Information Services (DCJIS). Visit their website at www.mass.gov/cjis or call (617) 660-4640.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4600 | TTY: 617-660-4606 | FAX: 617-660-4613
mass.gov/cjis



CRIMINAL OFFENDER RECORD INFORMATION (CORI) SELF AUDIT REQUEST FORM

Use this form for requesting a self audit under the provisions of M.G.L. c. 6, §172. Requests must be mailed to the address provided above, ATTN: Self Audit.

*Last Name: _____

*First Name: _____

Former name(s) if applicable: _____

*Date of Birth: _____ *Last 6 digits of Social Security Number: _____

*Address: _____
Street/P.O. Box City State Zip

Phone #: _____ Email Address: _____

Date of Last Audit Request: _____ ☐ I have never requested a Self Audit

Please Note: You are entitled to one (1) free Self Audit every 90 days. You may request a Self Audit at any time. Requests submitted before the 90 day waiting period must include a money order for \$25.00 made payable to the Commonwealth of Massachusetts. In addition, your signature must be notarized. Incomplete requests will not be processed and will be returned to the sender.

I attest under the penalties of perjury that the information provided in support of this request is true and accurate.

Signature

Date

Authentication of Signature by Notary Public or Correctional Facility

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed voluntarily for its stated purpose.

Notary Public

My Commission Expires On