

The
CORI
Reader

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Introduction

This paper is intended to be a useful and understandable -- but abbreviated and short -- explanation of the law, structure, policies and practices relating to criminal records in Massachusetts. The main statute uses the term "criminal offender record information," which most people refer to by its acronym, "CORI."¹

We have written the paper pretty much for the benefit, and from the point of view, of a person who has a criminal record (which we sometimes refer to as a "CORI subject") or for the benefit of people who are trying to help CORI subjects cope with having CORI. We assume that most of the readers will not be lawyers. But we have put legal citations in footnotes, which might prove to be helpful to lawyers and other legal advocates. If you don't like footnotes, just don't read them!

This continues to be a work in progress. If any reader has one or more suggestions on how it could be improved, please tell us.

What Is CORI and Where Does One Get It?

CORI is the shorthand nickname for "criminal offender record information," the body of *Massachusetts* criminal records information which is kept by the state in the Probation Central File, data from which is retrieved by a computer at the headquarters of, and presided over by, the Criminal History Systems Board (CHSB), 200 Arlington St., Suite 2200, Chelsea, MA 02150 (617-660-4600). There is also a web site from which people with computers having internet access can get information and download forms -- <http://www.mass.gov/chsb>.

CORI consists of information generated by the criminal justice system relating to one or more criminal charges (which are formal accusations) of crimes punishable by incarceration. CORI might best be described as "way station" information on the history of each criminal case, from arrest, through court proceedings and a non-guilty outcome **or** a guilty outcome, which might include a fine, probation, incarceration, discharge, parole and discharge from parole -- whatever happens to be applicable to each charge. That is how CORI is defined in the statute.²

But, in actual practice, the only part of this information which is kept on the "CORI computer" at the CHSB headquarters in Chelsea is *court-generated* information, which means that CORI reports contain nothing about arrests or whether or when the person was released from jail or prison, paroled or discharged from parole.

If a requester wants non-court-generated CORI, the requester must request that part of CORI from the criminal justice agency which created it, be it state or local police, county houses of correction, state prisons, or the Parole Board. There is no clear law, however, which compels those agencies to supply the information.

¹ Certain other statutes do not use the term "criminal offender record information" but are relevant to the subject matter of this paper and may be discussed.

² General Laws, Chapter 6, Section 167. (Further statutory references will be shown in an abbreviated way -- the citation just given is abbreviated as G.L. c. 6, § 167.)

What Is the Purpose of CORI?

When the CORI law was originally put on the books in the early '70s, stimulated by the availability of federal money, there were two purposes: (1) to make the criminal justice system more efficient, by putting criminal records "on line," so that they would be instantly available to police, prosecutors, probation officers, judges and other functionaries, and (2) to safeguard the privacy of the CORI subjects, so that this obviously embarrassing and damaging information about them would get into the hands of only people with a clear need to know the information.

In the course of the last 30 years or so, the law enforcement-efficiency purpose has persisted and been morphed, it sometimes seems, into unthinking "tough-on-crime-ism;" but the privacy purpose has been increasingly restricted, by statutory changes, regulations, actions and policies of the executive branch and discretionary decision-making of the CHSB.

Who Is Allowed to See CORI?

By statute various organizations (or possibly individual persons) may have access to CORI, but, in many situations, the CHSB issues a separate certification to each.³ Those allowed access are:

1. Criminal justice agencies,⁴ a term which means what it says -- police, prosecutors, judges, probation and parole officers and officials of county Houses of Correction and state Correctional Institutions. With respect to courts with criminal jurisdiction and state and local police, the criminal justice agency has its own computer terminal, so that the agency can get right into the CORI computer's data base, the Probation Central File.⁵ Criminal justice agencies and "appointing authorities," will get an indication of the existence of a sealed record, if there is one, *e.g.*, "(There is at least one adult sealed record on file.)" – and, if they do, they may then seek a court order to unseal the record long enough for the officials to take a look. But other persons or

³ Under c. 6, § 172 the Board is given such power; whereas under some later-enacted provisions, *e.g.*, §§ 172D (child-support enforcement [IV-D] agency access), 1 72E (long term care facility access) and 1 72F (Office of Child Care Services – now called Dept. of Early Education and Care, DEEC – access), the access seems to be granted directly by the statutes themselves.

⁴ G.L. c. 6, § 172, clause (a).

⁵ This is often also called the CARI (for Court Activity Record Information) or the BOP (for Board of Probation, which probably existed at one time). The CHSB staff draw information for CORI reports from this data base and are meant to filter out the non-conviction cases, *e.g.*, when preparing a CORI report for a public housing authority or most employers.

organizations receiving a CORI report on a person are not meant to, and do not, get any such indication.⁶

2. Other agencies & individuals required to have access by other statutes.⁷ The typical example here is a local liquor control commission, which must not award a liquor license to anyone convicted of certain alcohol-related crimes.

3. Anyone (organization or person) upon a showing that the public interest in disclosing CORI to the requester outweighs the CORI subject's privacy interest in non-disclosure.⁸ This is done by the CHSB on an individualized basis. Typically these organizations see records only of cases that ended in conviction or are still pending.⁹

In the early days of the law, these certifications were grudgingly given -- no housing authority, for instance, was ever able to make the case for its access! No longer. As of this edition of the **Reader**, there were approximately 10,000 organizations certified for access to CORI.¹⁰ Current estimates by CHSB staff are that the agency processes between 1.4 and 1.5 million CORI requests per year.¹¹ Most people and organizations which have access to CORI (that is, "CORI accessors") get such access by having gone through this certification process.

4. Specially legislatively authorized (mostly government) agencies, which currently include:

- *Housing authorities* for the purpose of screening applicants for either public housing¹² or subsidized (including Section 8) private housing.¹³ Housing authorities are

⁶ This practice follows directions to the Commissioner of Probation in one of the record sealing statutes, G.L. c. 276, § 100A, 6th [unnumbered] paragraph. An "appointing authority" is defined, in c. 4 § 7, clause Second-A, to include, where relevant, the official or body in municipal government having power to appoint other officials; but the meaning for the sealing statute may be broader and encompass high level appointers throughout state government.

⁷ G.L. c. 6, § 172, clause (b).

⁸ G.L. c. 6, § 172, clause (c).

⁹ This practice seems to be in accord with former CHSB Regulations, 803 CMR §§ 7.02 and 7.03, which were *eliminated* in succeeding regulations which became effective when published on 12/31/04 in Mass. Register No.1016. Also, see text below on access by long term care facilities, DYS, DSS, DEEC, the IV-D agency and children-serving organizations.

¹⁰ MLRI received from the CHSB a list of accessor organizations in March 2003.

¹¹ Conversations in early 2005 with staff of both CHSB and an independent non-profit organization studying the effects of CORI. Note that, assuming 264 work days in a year, the CHSB would appear to send out over 5,000 CORI reports each working day.

¹² G.L. c. 6, § 168, 3d ¶, 3d sentence.

¹³ By Board certification, under § 172, clause (c), originally issued 11/11/92 and amended and reissued on 11/19/97. See also CHSB Regulations, 803 CMR §5.03, dated 12/31/04.

able to get CORI as to cases ending in conviction or where they are still pending (no matter how old).

- *Long term care facilities (nursing homes)* for screening an applicant for, or any current employee in, "a position that involves the provision of direct personal care. . . of residents." ¹⁴ The facility is to obtain "all available" CORI, which the CHSB has interpreted to mean not just pending cases and those ending in convictions *but also those ending more or less favorably for the defendant*. These include cases where there is a clear exoneration, as by a "No Probable Cause" pre-trial ruling by a judge or a "Not Guilty" finding or verdict by a judge or jury after trial. But our use of the term "favorably ending" cases also includes those cases where the defendant was *not* clearly exonerated, but neither was he or she found guilty or punished by a fine, probation or incarceration. Very often such cases end with a Dismissal or a "*Nolle Prose qui*," which is a filing by the prosecutor stating that he or she does not wish to prosecute the case. The "all available" CORI language and its interpretation by the CHSB pretty clearly fly in the face of the ancient Anglo-American maxim that a person is to be deemed innocent until proven guilty.

- *Mass. Departments of Social Services and Youth Services* for evaluating foster and adoptive homes ¹⁵ but *not* for the purpose of hiring. These agencies may get "conviction data, arrest data, sealed record data, and juvenile arrest and conviction data."

- *Department of Early Education and Care* (formerly the Dept. of Child Care Services) for evaluating (for licensing purposes) any child care facility or program, public or private, or "any non-relative in-home child care provider" which or who receives government funding. ¹⁶ The type of CORI it can get is the same as for DSS and DYS for evaluating foster and adoptive homes.

- *Mass. Dept. of Revenue's Child Support Enforcement Division ("Title IV-D agency")* for establishing paternity and otherwise seeking to enforce child support obligations and protect children from violence. ¹⁷ The IV-D agency may get all that DEEC can get and also information on incarceration and rehabilitation, including "evaluative information" (which consists of psychological and behavioral assessments by criminal justice system agents); it may also get information from "interstate systems," from the "warrant management system" and "data in the statewide domestic violence record keeping system maintained by the commissioner of probation."

- *Schools, camps and other children-serving organizations*. Chapter 385 of the Acts of 2002 added further accessors to CORI and mandates for CORI checks.

¹⁴ G.L. c. 6, § 172E.

¹⁵ G.L. c. 6, § 172B.

¹⁶ G.L. c 6, § 172F. This statute came into the law books by way of an "outside section" to the state Appropriation Act for Fiscal Year 2000, SEC. 11 of c. 127 of the Acts of 1999, which became effective 7/1/99.

¹⁷ G.L. c. 6, § 172D.

It inserted a new § 172G in chapter 6 of the General Laws giving **operators of children's camps** not only access to CORI, including "juvenile data," but a mandate to do CORI checks on prospective employees and volunteers. It also gives access to "court activity record information" (CARI), which (as noted above in footnote 5 on page 4) is the central data base maintained by the Office of the Commissioner of Probation and used by law enforcement. It includes both conviction and non-conviction cases and information about the existence of sealed records, if any.

Chapter 385 also inserted a new § 172H giving **(other) organizations which run programs for children** "18 years of age or less" similar access and mandates, except there is no direction to get juvenile data or access to CARI.

It also inserted a new § 172I, requiring **taxicab companies** which have contracts with schools for transporting pupils to send the names of affected to drivers to the schools, so the schools may do CORI checks on them.

And it amended the school CORI law, § 38R of G.L. c. 71, which, before amendment, gave **school committees and superintendents** access to CORI for screening prospective employees. The chapter 385 amendment changed this law to give the schools access to "all available" CORI, which, in this context, includes charges which ended favorably for the CORI subject but does *not* include juvenile data or any indication of the existence of a sealed record.

But the law *mandates* CORI checks; and it requires they be done not just of prospective employees but of *all present and prospective employees and volunteers*. This latter provision has stimulated many, if not most, school committees to ask every parent intending to be a school volunteer to submit to a CORI check!

5. A crime victim or witness or a family member of a homicide victim, to see the CORI of the perpetrator, upon individual certification by the CHSB.¹⁸ Further, criminal justice agencies may disclose to such people other information, including evaluative information, if "reasonably necessary for the security and well-being of such persons."

6. Any member of the general public, when the "CORI curtain is up."¹⁹ This is complicated. The general public does not have access to most CORI, most of the time. For them, the "CORI curtain" is "down." But this is not true when the curtain is "up" as to a particular CORI subject, and then the general public may get the CORI of that person. The curtain is up in situations where the CORI subject has been either --

¹⁸ G.L. c. 6, § 178A.

¹⁹ § 172, 7th paragraph.

(a) convicted of a crime for which the maximum possible imprisonment is 5 years or more, whatever the sentence he or she actually gets (even just a fine or probation), or

(b) is convicted of any crime and sentenced to *incarceration*.

In either of these situations, right at the point of conviction, the curtain stays up, and the public may see the CORI, if, at the time the request for CORI is made:

- the CORI subject is serving a sentence of incarceration, or is under probation or parole supervision, or
- having been convicted of a misdemeanor (a crime for which the maximum allowable sentence is 2-1/2 years in a county house of correction), he or she has been released from all custody or supervision for 1 year or less time, or
- having been convicted of a felony (a crime for which the maximum allowable sentence is more than 2-1/2 years), he or she has been released from all custody or supervision for 2 years or less time, or
- having been convicted of a felony, sentenced to a state prison and having "wrapped up" in prison (either having been denied parole or returned to prison for a parole violation), he or she has been released from custody for 3 years or less time.

7. The CORI subject himself or herself.²⁰ A person can get his or her own CORI by filling out, having notarized and sending in a Personal CORI Request form, which can be obtained by calling the CHSB or going to its web site. There is now a fee of \$25, unless the personal requester is indigent and also gets, fills out and sends in an affidavit of indigency (*not* requiring notarization), modeled on the waiver provision for low-income parties in Massachusetts courts.²¹ The forms are also in item [A] of the Appendix, on pages 2 1-25.

The CORI report which a *CORI subject* gets *should* contain, not only pending cases and those ending in conviction (which most CORI outside accessors are meant to get), but also information on cases which ended favorably to the CORI subject (with Not Guilty, Dismissal, etc.) and an indication, if it is so, that there is at least one sealed record on file. Most outside accessors should *not* get this information. That is what the CHSB regulations provided until the start of 2005.²²

Actual practices of the CHSB may differ from what the regulations provide. In and before 2002 the CHSB often failed (illegally, we think) to scrub indications of the existence of a sealed record from the data included in a CORI report going to employers and other outside

²⁰ G.L. c. 6, § 175, 1st sentence.

²¹ G.L. c. 6, § 172A, as amended by SEC. 11 of c. 26 of the Acts of 2003 (the FY '04 Appropriation Act). Copies of both the Personal CORI Request and the Affidavit of Indigency forms are in Appendix item [A].

²² 803 CMR §§ 7.02 and 7.03, which were eliminated in late 2004. See ¶ 3 on page 5 and footnote 9.

requesters which had no authorized access to such information. But, **since the middle of 2002, MLRI's CORI staff have *not* encountered this failure to scrub. Getting cases sealed is a good thing for a CORI subject.**

Who is *Required* to See CORI?

As we have seen above (page 5), criminal justice agencies and other government agencies by *other* laws, may be required to check criminal records; and most of the earlier parts of the CORI statute lay out who may *have access to* CORI. However, more recent enactments have gone beyond giving access and also *mandate* that CORI checks be done.

One such section *requires* that a broad class of **governmental and private social service agencies must do a CORI check** before hiring, or taking on as a volunteer, anyone who "will have any direct or indirect contact" with a client who is elderly (60 or older) or is disabled so as to be wholly or partially dependent on others to meet daily living needs.²³

Further, as noted above on pages 6-7, chapter 385 of the Acts of 2002 inserted new access provisions and CORI check *mandates* for organizations serving children.

May an Employer Ask an Applicant about CORI?

Yes; but employers may *not* ask certain questions.

The **state anti-discrimination statute** has provisions which forbid an employer "in any . . . matter relating to the employment of any person" to ask the applicant or employee about (i) an arrest or court proceeding where no conviction resulted, (ii) a first conviction of certain minor misdemeanors: drunkenness, simple assault, speeding or minor traffic violations, affray²⁴ or disturbance of the peace; or (iii) conviction of a misdemeanor where the date of conviction, or the end of incarceration, whichever is later, occurred 5 or more years (without intervening convictions) before the request.²⁵

There are two problems with this law. The first is that what is forbidden is the employer's *asking the applicant or employee about* certain criminal involvement. But, according to a decision of the Supreme Judicial Court, the state's highest court, if the employer gets the seemingly forbidden information from some *other source*, and uses it to take adverse action against the person, the law is not violated.²⁶

²³ G.L. c. 6, § 1 72C. This should not be confused with § 172 clause (c), which is often referred to, even by the CHSB, as " § 172(c)."

²⁴ Fighting by mutual consent of 2 or more persons in a public place to the terror of onlookers. *Black's Law Dictionary*.

²⁵ G.L. c. 15 1B, § 4, subsection 9, 1st paragraph. The CORI subject's remedy for a violation is an administrative or judicial one under c. 15 1B.

²⁶ *Bynes v. School Committee of Boston*, 411 Mass. 264 (1991).

The second problem is that employers don't generally even think about asking the forbidden questions. But what many of them *do ask* is *whether or not the applicant has ever been convicted of a felony*. This can be a perilous question to answer: unless the applicant *knows* the answer, it is wisest for him or her to say she does not know.²⁷ If she says No, and the CORI report shows the answer should have been Yes, her wrong answer may eliminate the applicant from consideration for lying in the application process. But if she says Yes, when the truth may be No, she may eliminate herself from consideration before the employer even seeks a CORI report.

However, an employer or other gate-keeper may *not* ask an applicant to get a copy of her own CORI and bring it to the gate-keeper. A hard-to-find sentence in the CORI law itself also forbids an employer (or any other gatekeeper with respect to an applicant) to "request or require a person to provide a copy of his criminal offender record information."²⁸ A violation of this provision may be the subject of a complaint to the CHSB under 803 CMR 6.06(6), and we know of at least one instance where the Board imposed sanctions on the employer. This statutory provision has proven, however, to be of diminishing significance since more and more employers are getting direct access to CORI; and all that the CORI law and CHSB require is that in making such a direct request, the requester get the CORI subject's signature on the requesting form, acknowledging that a request will be made and attesting to the accuracy of his or her identifying information.²⁹

Since there is a chance that the CORI report which the employer gets may be different, in a bad way, from the CORI report which the CORI subject has gotten on herself, job applicant who knows he or she has CORI, when asked to sign an acknowledgment form, should ask the employer to agree to share the CORI report which the employer gets with the CORI subject and discuss it. In fact, the 7/1/05 CHSB regulations now require such (what we call) minimal gatekeeper/applicant due process, so an employer now must give the job applicant a chance to rebut the accuracy and/or relevance of the CORI.³⁰

How Can Having CORI Hurt a CORI Subject?

To some extent, of course, the answer is obvious. But we think it useful to note some of the general problems of having CORI and to highlight a recent, quite specific, government policy which has been particularly hurtful to a lot of people who have turned their lives around and

²⁷ The distinction between a misdemeanor and a felony is briefly noted in the 2d and 3d bullets on page 8.

²⁸ G.L. c. 6, § 172, 5th paragraph, 3d sentence.

²⁹ G.L. c. 6, § 172, 5th paragraph, 4th sentence. The identifying information, as expanded by § 3.05(1) of the 7/1/05 regulations, consists of the **person's full name** (including maiden name or alias, if any), **date of birth**, place of birth, sex, former addresses, height, weight, eye color, social security number (if the person is willing to give it) and mother's maiden name. *Interestingly, only the data elements here boldfaced are "search fields" within the CORI computer.* But the Central Probation File for a person, which is the source of the CORI report, contains information on the person's father's name, mother's name and social security number.

³⁰ See the new regulation, 803 CMR § 6.11, which is item [D] in the Appendix at page 36.

want not only to "make it" in the straight world but want to help others who may be in -- and wanting to get out of -- a life of alcohol abuse, drugs and/or other crime.

There Are Many General Dangers in the Use of CORI, including that it:

- **Causes delay** in any screening process, sometimes so great that the applicant has to give up and try elsewhere;³¹

- **Is often very difficult to read and understand**, with one apparent effect that gatekeepers who see a CORI report with many entries (which sometimes all relate to the same incident) often conclude, without further study or investigation, that the CORI subject has a long criminal record and should not be hired, given housing, a loan, insurance, etc.;

- **Is often inaccurate**, in part because court clerks and probation officers make mistakes which are sometimes not discovered until years later when the mistake comes out in a CORI report; in part because the CHSB staff does not have, or does not take, the time to do visual reviews of what the CORI computer produces from the only two CORI-subject-identifying data elements it checks, name and date of birth (see footnote 29); and in part because its name/date-of-birth-based system is not backed up by fingerprints, photographs or other identifiers which are not dependent on the name a person gives upon arrest or arraignment. The result is that CORI reports sometimes match the CORI of person A with person B, and vice versa. All of this may mean that the CORI subject may have to go to extraordinary efforts to get rid of a bad and wrongful "rap";

- **Is often *un-predictive*** of future behavior, largely because most criminal records are acquired in the late teens or twenties, and many ex-offenders – especially if addiction drove them to crime and they have conquered the addiction – mature out of criminal behaviors;

- **Stigmatizes** its subject often far beyond the extent of the crime and certainly far beyond the time that the record is generally available to the public under the CORI law; and,

- **Tends sometimes to leak out, like toxic waste, from the supposedly confidential files** which it is meant to be kept in while the user uses the information and before it is meant to be destroyed.

Gatekeeper Due Process

The above list used to contain a bullet saying that the decision-making of gatekeepers with respect to CORI was “due processless.” Happily, in changes which went into effect on July 1, 2005 the CHSB inserted three new provisions providing a measure of due process for applicants. The first of these adds to the Definitions section of the regulations the following:

³¹ See discussions on page 5 about the number of CORI requests that come in to the CHSB.

“Otherwise Qualified. Refers to final applicants that meet all other criteria for positions within an agency’s certification pursuant to M.G.L. c. 6, §§ 172(b) or 172(c).”³² [In the CHSB regulations the word “agency” means the same as “organization”.]

What makes this definition meaningful is the second new regulation which provides, in part:

“(3) In order to obtain a CORI check on an applicant, the agency shall:

“(a) confirm that it is currently certified to perform a CORI check on the current or otherwise qualified applicant under its grant of certification from the CHSB;... .”

We think the wording is somewhat confusing, but it seems clear that if a CORI check is to be performed on an applicant, that applicant must be “otherwise qualified.” The effect is to require that the CORI check be the last, not the first, step in the hiring process.³³

And a third new regulation prescribes a fair process which must be followed if the gatekeeper is troubled by anything on the CORI report. The regulation is set out in full as Appendix item [D] on page 36.

CORI and Getting Housing

As noted in the section on who is allowed to see CORI (pages 4-9), public housing authorities have access to CORI for screening applicants for public housing and for "section 8" and other housing subsidies.

A **public housing authority** (PHA), when screening an applicant for public housing funded by the **STATE** Department of Housing and Community Development (DHCD), must follow the governing statute and DHCD regulations as to how it makes its screening decision. The PHA, for instance, may disqualify an applicant who, in prior housing, has "disturbed a neighbor," or "caused damage or destruction to property," or "engaged in criminal activity," or "is a current illegal user" of drugs³⁴, any of which may be indicated by CORI.

These state housing laws also provide the applicant with some due process and a chance to prevent, or reverse, an adverse decision. Prior to disqualifying an applicant the PHA must:

³² 803 CMR 2.03.

³³ 803 CMR 3.05 (3) (a). We think the regulation’s wording would be clearer if the word “employee” or “position holder” were inserted after the word “current.”

"permit the applicant to show **mitigating circumstances**, which may include rehabilitation or rehabilitating efforts, sufficient so that when the potentially disqualifying behavior is weighed against the mitigating circumstances, the [PHA] is reasonably certain that the applicant or household member will not engage in any similar conduct in the future." ³⁵

If the PHA decides, nevertheless, to disqualify the applicant, it must give him or her notice explaining the decision and a chance to have a "private conference" with representatives of the PHA. This amounts to an informal hearing, where the applicant can be represented by a lawyer or other advocate; and, if the applicant loses this round, he or she may have the adverse decision reviewed by DHCD.³⁶

If the PHA is making a screening decision about admission to a unit which is funded by the **FEDERAL** Department of Housing and Urban Development (HUD) or about making an award of a federal section 8 certificate, it must follow the applicable HUD regulations.

Under these (so-called "one strike you're out") regulations, the PHA may prohibit the admission of a household, for instance, if any member "has engaged in during a reasonable time before the admissions decision" drug-related or violent criminal activity or criminal activity which would threaten health, safety or peace of other residents, the PHA or its employees or contractors.³⁷

One requirement is that the PHA, if it has obtained CORI "showing that a household member has been convicted of a crime" that is relevant to the screening –

"the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the applicant. . . a copy of such information and an opportunity to dispute the *accuracy and relevance* of the information. . . before the denial of admission. . ." (Emphasis added.) ³⁸

³⁵ 760 CMR § 5.08(2). Also, the 7/1/05 CHSB regulations, 803 CMR § 5.05(9), directs a housing authority to share the CORI it gets with the applicant, if the applicant so requests. Fortunately, the other due process provisions that are in § 6.11 (discussed in the previous section) also apply – because housing authorities get their access to CORI under § 168 of G.L., c. 6, and hence also under § 172(b). And, under the DHCD reg cited above, the PHA is to consider the severity of the conduct and the danger it caused, how much time has elapsed and the likelihood of its recurring. See also G.L. c. 121B, § 32, 12th [unnumbered] paragraph.

³⁶ 760 CMR § 5.13. Though this provision for DHCD "review" is vaguely worded, the Mass. Supreme Judicial Court held in *Madera v. Secretary of EOCD*, 418 Mass. 452 (1994), that the person seeking review is entitled to a full blown adjudicatory hearing before a hearing officer or panel of what is now the DHCD (with the possibility of a further appeal, under G.L. c. 30A, § 14, to the Superior Court).

³⁷ 24 CFR § 5.855(a). This regulation, in Part 5 of 24 CMR, and related provisions in 9 other Parts, were in the Federal Register of 5/24/01. Since there are variations from Part to Part, it is important to check the Part which pertains to the housing you are dealing with. There is also, in another Part of the regulations, an absolute, lifetime, ban from federal public housing of anyone who was previously convicted of manufacturing methamphetamine while a tenant of federal public housing.

³⁸ 24 CFR § 5.903(f).

A **private landlord** (LL) may or may not be required to extend gatekeeper due process to an applicant for tenancy.

If the LL manages a section 8 or other subsidized development, it will often be contracted to “do the CORI checks” and will be bound by the state or federal rules, including, of course, the due process provisions.

But if the LL is acting purely as a private LL and gets its information on the applicant’s criminal record from a commercial “background check” organization, the LL will be subject to no due process requirements. This is a virtually unregulated field of activity. Hence, in this situation an applicant for tenancy would be well-advised to ask the LL to share the results of any background check with the applicant and give him or her a chance to discuss it, including to rebut its accuracy and/or its relevance. If the applicant gets such a conference, she should prepare to make her case, using the state PHA mitigating factors (quoted on pages 13, followed by footnote 35) and, possibly, the more extensive factors in the HHS "**common sense process**" paragraph on page 16.

Of course, if the LL gets the information as CORI, from the CHSB, the LL will be subject to the CHSB regulations and hence the due process regulation, 803 CMR 6.11, discussed on page 10 (and reproduced in Appendix item **D** on page 36).

But, while there is no provision in the CORI statute which prevents private LLs from being certified for such access to CORI, the CHSB has an unwritten “practice” *not* to certify private LLs for access to CORI.³⁹

CORI-related Rules for Getting a State-Funded Health and Human Services Job

On July 1, 2009, new and improved CORI regulations went into effect for people seeking jobs in health and human services programs that are operated or funded by Massachusetts state agencies under the Executive Office of Health and Human Services (EOHHS or HHS). The regulations remove undue burdens previously imposed on applicants with CORI.

The most important barrier eliminated by the new regulations is the “lifetime presumptive disqualification” provision, which required job seekers with certain convictions to jump through hoops, the most onerous and unrealistic being to get a criminal justice official to send an HHS provider a writing stating that a job seeker with CORI “does not pose an unacceptable risk of harm to persons served by the program”—a certification that these officials are generally trained not to make.⁴⁰

³⁹ The CHSB executive director states that the Board does *not* have a written policy as to its practice of *not* certifying private landlords for access to CORI. Letter from Barry LaCroix to author, 9/18/03.

⁴⁰ There is a lengthy background on the old draconian HHS regulations. In summary, in 1996, EOHHS issued a directive that required all its sub-agencies and providers when hiring a person who might interact with clients, to do a CORI check and then not be able to hire the person, ever, or until 10- or 5-year waiting periods, if the person had a crime on one or another of separate lists of crimes included in the directive. In 2000, job applicants impacted by the policy filed a lawsuit, *Cronin, et al. v. O’Leary*, Suffolk Superior Court, Civil Action No. 00-1713F.

The new EOHHS regulations contain the following helpful provisions⁴¹:

1. It requires that qualified rehabilitated offenders be given a fair opportunity to be employed and reintegrate successfully into the workforce, while mindful that vulnerable populations served by EOHHS and its agencies be protected. It also mandates that a CORI check should only occur, and its results considered, in those instances where an applicant has been determined qualified and the content of the CORI is relevant to the duties of the position sought.
2. It requires that no initial job application form ask whether an applicant has a criminal record. After a candidate has been determined eligible for a position and given a conditional offer of employment, then he or she may be asked to complete a supplemental form requiring disclosure of criminal record.
3. It requires that a CORI check be performed only for certain positions. And for those jobs, a provider or hiring authority must obtain the consent of a job applicant on a CORI authorization form before a check can be performed. In general, positions that entail unsupervised contact or for which there is a legal requirement to conduct a check are the ones subject to a CORI investigation (as a practical matter, those may cover most positions).
4. When the CORI report comes in, if there is a conviction of a felony more than ten years or a misdemeanor more than five years old on Table B list of crimes, and there are no subsequent convictions or pending cases of any kind, the provider will not use such a report to deny employment.
5. But if the CORI report shows a felony or misdemeanor conviction less than ten-and five years, respectively, or a pending Table B crime, or a conviction or pending charge on Table A list of crimes (more serious offenses), the provider must go through a

In August 2001, Judge Ralph Gants issued a decision finding the “forever” or lifetime disqualification bar unconstitutional and ordering HHS to adopt regulations which would give applicants a “fair opportunity” to rebut the presumption of permanent dangerousness to clients, which lay at the heart of the policy. HHS complied with the Judge’s order by eliminating the lifetime bar, but imposing hoop-jumping procedures, including the requirement to obtain a criminal justice certification, which made getting HHS jobs virtually impossible.

⁴¹ The agencies, with citations to their regulations, follow: **EOHHS** itself, 101 CMR 15; **Dept. of Early Education and Care** (formerly the Office of Child Care Services), 102 CMR 1.05; **Dept. of Mental Health**, 104 CMR 34; **Dept. of Public Health**, 105 CMR 164.041-.046; **Dept. of Transitional Assistance**, (no CORI regs; formerly 106 CMR 150); **Mass. Rehabilitation Comm'n**, 107 CMR 14; **Dept. of Youth Services**, 109 CMR 12; **Dept. of Social Services**, 110 CMR 18; **Mass. Comm'n for the Blind**, 111 CMR 9; **Mass. Comm'n for the Deaf and Hard of Hearing**, 112 CMR 6; **Division of Health Care Finance and Policy**, (no CORI regs; its title in the CMR is 114); **Dept. of Developmental Services (formerly Dept. of Mental Retardation)** (no CORI regs; formerly 115 CMR 11); **Soldiers Home in Holyoke**, 119 CMR 1; **Office of Refugees and Immigrants**, 121 CMR 4; **Soldiers Home in Mass.** (also known as the Chelsea Soldiers Home), 122 CMR 1; **Division of Medical Assistance**, 130 CMR 710. At the time of this edition, only DPH, DDS, and DTA had revised or rescinded its CORI regulations to make its policies consistent with the new HHS regulations.

common sense process to decide whether to hire the applicant.⁴² This process requires that the provider consider the following factors:

- (i) the age of the candidate at the time of the offense;
- (ii) the relationship of the criminal act to the work to be performed;
- (iii) the time passed since the conviction;
- (iv) the nature and specific circumstance of the offense;
- (v) the sentence imposed and length of any period of incarceration;
- (vi) the number of offenses;
- (vii) whether offenses were committed in association with a dependence on drugs or alcohol, from which the candidate has since recovered;
- (viii) any relevant evidence of rehabilitation or lack thereof;
- (ix) any other relevant information submitted by the candidate or requested by the provider.

6. If, after consideration of the enumerated factors, the provider decides to hire a candidate with a Table A pending charge or conviction, it must submit on an HHS prescribed form the reasons for its decision to the HHS Secretary or applicable sub-agency head, who has five business days to disapprove the hire or request more information. The agency may seek additional information, which may include a written assessment by a qualified mental-health profession, the cost of which will be assumed by the agency.

7. If, after consideration of the factors, the provider decides not to hire a candidate with a Table A crime or applicable Table B offense, the HHS prescribed form will be filled out and maintained on file in a secure location.

8. A provider who decides not to hire a candidate with a CORI must inform the applicant of the potential adverse decision; tell him or her what part of the record appears to make him or her ineligible; provide the applicant with an opportunity to dispute the accuracy and relevance of the CORI; and after receiving any additional documentation, review it with the applicant and then notify him or her of the decision.

What Can the CORI-Subject Do for Self-Protection?

In some cases, not much. But for those who know or suspect that they may have CORI and are seeking employment, housing, higher education, insurance, credit or some other benefit which a gatekeeper has power to give or withhold, here is a list of things that might be helpful and should certainly be considered.

1. Get One's Own CORI, by requesting from, or downloading from the web site of, the CHSB a Personal CORI Request form, and filling it out and sending it in (with the Affidavit of Indigency, if applicable – see ¶ 7, page 8). Note also that copies of the forms are in item [A] of the Appendix, on page 21. When the CORI report comes in, study it and see if it is accurate. The Crime Glossary and the CORI Codes, respectively, in Appendix items [B] (page 26) and [C] (page 29) may prove to be helpful.

⁴² The list of Table A crimes is contained in the appendix at pages 37-38.

For persons who regularly review CORI reports it might help to get the **Master Crime List** from the web site below:

<http://www.mass.gov/Eeops/docs/chsb/corimastercrimelist.pdf>

This document is 142 pages long, organized in three versions. Most people find the most useful version is the one which lists the crimes alphabetically by their titles, starting at page 73 of this mammoth compendium. Alas, some crimes are hard to find.

If the CORI report is not accurate as to what it says about what happened in a particular case, and that is harmful, try to get it corrected by bringing the matter to the attention of the clerk's or probation office of the court. (CHSB on its website suggests calling the CARI Unit at OCP, 617-727-5300.)

If the problem is that the CHSB computer appears to have come up with the *wrong person*, by attaching your identity to someone else's CORI, you should probably bring the matter, in a letter, to the attention of the legal office of the CHSB. Note the discussion in footnote 29 on page 10, about the data elements identifying the CORI subject which the CHSB form requests *versus* the mere two data elements – name and date of birth – which the computer searches for. If one or more of the data elements (e.g., social security number) on the CORI report contradicts those shown on the form submitted, the legal office may be persuaded to make a new CORI search, using both the computer and **visual inspection** to assure the proper match, and, if there is no proper match, to re-report "No record" to the requester.

If the CHSB legal office produces no useful results, try to get the police department associated with the case to take your fingerprints and compare them with the prints the police have for the arrestee in the case. (CHSB's website states that you can contact CHSB to arrange fingerprint analysis.) If the police find that the prints do not match, try to get a writing from the police to this effect (preferably a detailed sworn statement) and bring it to the probation office of the court, or, if that does not help, to the Office of the Commissioner of Probation.

If the above suggestions do not work, the CORI subject may file a motion with the court which handled the case to re-open the case and correct the record, and, that failing, make a complaint to the CHSB under the statute and the CHSB regulations.⁴³

If the CHSB refuses to make the change and there's a chance a Superior Court judge would find the refusal to be without factual basis or otherwise not according to law, the CORI subject may appeal the CHSB's decision to the Superior Court.⁴⁴

2. Try to Get Records Sealed. The record sealing statutes provide for sealing (making unavailable to most requesters) a record either when it has "aged out" by reason of the passage of time or where the case ended favorably for the defendant.

⁴³ G.L. c. 6, § 175 and 803 CMR § 6.08. The procedures here are laid out generally in G.L. c. 6, § 175, which speaks broadly of agencies contributing to that body of information known as CORI. While the text above refers to courts, this same provision might be applicable to try to correct a Dept. of Correction or Parole Board record relating to when the subject was released from custody or supervision.

⁴⁴ G.L. c. 6, § 176 and G.L. c. 30A, § 14, the state Administrative Procedure Act.

With respect to a case ending in a CONVICTION AND AGED-OUT CASES the Commissioner of Probation (1 Ashburton Place, Rm. 405, Boston, MA 02108, 617-727-5300), after getting a properly filled-out petition form, *shall seal a felony* record, if the final disposition of the case (whichever came last – discharge from probation, prison or parole) took place *15 or more years* ago. *A misdemeanor record will be sealed* if the final disposition was *10 or more years* ago.⁴⁵ For a copy of the petition form see Appendix item [F] on page 39.

However, as to either a felony or a misdemeanor, within the 10 years before the petition form is filed, the person must not have been convicted of anything more serious than a \$50 motor vehicle offense.⁴⁶

Unfortunately, despite what is written above, the Office of the Commissioner of Probation (OCP) takes the position, *sometimes*, that it *will not seal any of a person's CORI until OCP can seal all of that person's CORI*.⁴⁷ We think this is a wrong reading of the statute, and it may be challenged at an appropriate point.

With respect to a case ending favorably, i.e., NOT WITH A CONVICTION for the defendant, the sealing process and procedures are now much more complicated. (A photocopy of the triplicate form, which one has to get from the court or OCP, is at Appendix item [G], page 40.)

If the case was one where a grand jury failed to indict a person (that is, returned a "*no bill*"), the Commissioner is required by statute to seal the record automatically and direct the clerk of the court to do the same, unless the defendant asks in writing that this not be done.⁴⁸ This is still good law, undisturbed by court decision.

But if the case was one where the judge or the ("petit") jury, after a trial, found the defendant "*Not Guilty*," the automatic sealing of the record (under the same statute mentioned above) was held by a federal court in 1989 (in the *Pokaski* case) to be unconstitutional.

The court declared that automatic sealing in such a situation offended the public's right to know what its government was doing, under the First Amendment of the U.S. Constitution. Accordingly, the court required that the sealing take place only after a judge, not in the proceeding where the defendant was found not guilty, determines, after hearing, that there is a

⁴⁵ Some crimes are not sealable: (1) relating to firearms, c. 140 § § 121-13 1H, (e.g., selling ammunition without a license or buying a gun from an unlicensed seller); (2) crimes against public justice, c. 268 (e.g., perjury or escaping or aiding an escape from prison); and (3) conflict-of-interest violations, c. 268A (e.g., when a state employee for his agency buys equipment from the employee's private business).

⁴⁶ G.L. c. 276, § 1 00A, 1st through 4th [unnumbered] paragraphs. Section 1 00B is a comparable statute as to a juvenile record, which may be sealed after a comparably-measured 3 years.

⁴⁷ Letter of 12/31/2003 from Anthony C. Sicuso, Deputy Commissioner/Legal Counsel, OCP, to Francisca D. Fajana, Esq. of MLRI.

⁴⁸ G.L. c. 276, § 1 00C, 1st paragraph.

"compelling state interest," based on the particular facts of the situation, which overcomes the 1st Amendment interest in keeping the record open.⁴⁹

If the case is one which ends favorably for the defendant, in that he or she is not convicted, that is, is *nol prossed* by the prosecutor and/or *dismissed* by the court *without there having been any order of probation*, the sealing process is the most complicated. The applicable state statute provides that the CORI subject must (on a pre-printed form from the court) petition the applicable court for sealing, and that the judge, after hearing, may order the case sealed "if it appears to the court that substantial justice would be served."⁵⁰ But this process is also now affected by the *Pokaski* case, which imposed the **further requirement that the judge find, as well, that there is a compelling state or governmental interest, based on the facts of the person requesting sealing, to overcome the constitutional interest in keeping the record open**. Further, a 1995 state Supreme Judicial Court decision (the *Doe* case) required that in these discretionary sealing cases there must be two hearings -- the first in which the petitioner requests sealing and shows that it is appropriate under the state and federal standards; and, if the court agrees, a second hearing, at which the prosecutor, the probation office, perhaps the alleged victim and others, have a chance to come in and contest the petition for sealing.⁵¹

Actual practice seems to vary from court to court and judge to judge. Sometimes persons with sealable CORI, with some coaching, are able to go into court on their own and get the CORI sealed, and sometimes not. The same is true of savvy lawyers. In all situations, however, we think the best practices are to (a) get and analyze the criminal case records from the court; (b) prepare and file with the petition a petitioner's affidavit of the facts which demonstrate how the client is being, or is highly likely to be, harmed if the CORI is not sealed; and (c) prepare and file a memo of facts and law, urging the sealing. And, if you fail, remember that a non-conviction case that is aged-out under § 1 00A, may be sealed under that section.

Both of these criminal record sealing statutes require an employer, on any application form, to have a statement that if the employer asks about a criminal record that has been sealed, the applicant may answer "no record."⁵² This has generally been construed to cover, as well, oral exchanges of information and to protect the applicant from being fired for lying on the application, in the (we hope unlikely) event that the employer later finds out about the sealed record.

Finally, there are **special sealing statutes** in the Substance Abuse Law, which are less restrictive, relating to certain convictions and favorable dispositions on **drug charges**.⁵³

⁴⁹ *Globe Newspaper Co. v. Pokaski*, 868 F.2d 497, 510 (1st Cir. 1989).

⁵⁰ G.L. c. 276, § 100C, 2d paragraph.

⁵¹ *Commonwealth v. Doe*, 420 Mass. 142, 150 (1995).

⁵² G.L. c. 276, § 100A (relating to as-of-right sealing upon the passage of time), 5th [unnumbered] paragraph. There are comparable provisions in § 100B (relating to juvenile records) and § 100C (relating to discretionary sealing of records by a court).

⁵³ G.L. c. 94C, § 34, 2d & 3d [unnumbered] paragraphs, and § 44.

Many people have asked if sealing a record sends a “red flag” for employers or other gatekeepers. Usually, the answer is NO. As noted on pages 4-9, once a record is sealed, most requesters will not be able to see any indication that there is a sealed record on file.

3. Assert Rights under the Other Protective Statutes, referred to above at pages 9-10, when dealing with an employer who is out of compliance with those laws. *But be warned that these may be of minimal help in most situations.*

There is also a section of the CORI law which gives "any aggrieved person" (including a CORI subject) a right to sue about a violation of the CORI law in the Superior Court, possibly to obtain a court order, money damages and a court-awarded fee for the suing party's attorney, to be paid by the CORI law violator.⁵⁴ But we think its usefulness is still untested.

4. Prepare to Demonstrate Rehabilitation & Unlikelihood of Offending Again. Even though the CORI system, as it now works, does not give an ex-offender many breaks, a CORI-subject would be wise to put together a file folder, with letters from probation officers, clergy, counselors, treatment people, or *anyone (not a relative) whose opinion would be respected*, explaining why it is unlikely that the ex-offender will commit crime again and how he or she has become a useful member of society who is trying to be productive. (See sample “changed person” letter in the Appendix item [H] on page 41.) Sooner or later a break may come – especially as a result of the new gatekeeper due process regulations – and it will be good to be ready.

5. Finally, if you are a CORI subject and need advice, call the Legal Advocacy Resource Center, 617-603-1700. The Mass. Law Reform Institute, which produces this guide, continues to produce helpful materials and provide a limited number of trainings; analyze how to effectively assist persons stymied from mainstream living because of their CORI; gather data on the extent of the problems; and work for "law reform" of the CORI law and its uses. We try to help if we have the resources to provide individual assistance.

Good Luck!

FF 11/16/09

...CORI\Reader\3d Ed-4th Rev.pdf

⁵⁴ G.L. c. 6, § 177.

[A]

PERSONAL MASSACHUSETTS CRIMINAL RECORD REQUEST FORM

If you would like a copy of your own Massachusetts criminal record, complete this form., sign it in front of a notary public, and mail it, **along with a check or money order made payable to the Commonwealth of Massachusetts in the amount of \$25.00 pursuant to M.G.L. c.6, §172A** and a self-addressed stamped envelope to this agency. Walk-in service is not available. If you are incarcerated and a notary public is not available, have an official of the correctional facility endorse same. This agency's mailing address is: the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 ATTN: CORI Unit.

Please be advised that it is unlawful to request or require a person to provide a copy of his criminal offender record information, except as authorized by the Criminal History Systems Board, as per M.G.L. c. 6 §172.

Last name		First name	Middle name	
Maiden name		Alias		
Date of birth (MM/DD/YY)			Social Security Number (requested but not required)	
Mailing address		Town	State	Zip code

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

Signature of requestor	Date
------------------------	------

AUTHENTICATION OF SIGNATURE BY NOTARY PUBLIC OR CORRECTIONAL FACILITY

_____ SS.

The above-named _____, appeared before me, the undersigned authority, this _____ day of _____, 200 ____ and acknowledge . the foregoing signature to be made of his or her own true free act and deed.

Notary public	Correctional Facility Official (give rank and title)
My commission expires	Correctional Facility Address and Phone

AFFIDAVIT OF INDIGENCY'
Submitted with Personal Criminal Record Request

Name of applicant: _____

Address: _____
(Street and number) (City or town) (State and Zip)

Following the scheme of General Laws c. 261, §§ 27A et seq., applicant swears (or affirms) as follows:

[Check only one]

1. Applicant is indigent in that he/she is a person:

_____ (a) who receives public assistance under Massachusetts Transitional Aid to Families with Dependent Children (TAFDC), Massachusetts Emergency Aid to Elderly, Disabled, and Children (EAEDC), Federal Supplement Security Income (SSI), Massachusetts MassHealth (formerly Medicaid), or Massachusetts Veterans' Benefits; or

_____ (b) whose income, less taxes deducted from his/her pay is _____ per week/month/year (circle period that applies), for a household of _____ persons, consisting of myself and _____ dependents; which income is at or below 125% or less of the current poverty threshold annually published in the Federal Register by the U.S. Department of Health and Human Services; [List any other available household income for the circled period on this line: _____ or

_____ (c) who is unable to pay the fees and costs without depriving himself or his dependents of the necessities of life, including food, shelter and clothing.

IF YOU CHECKED (c), YOU MUST ALSO COMPLETE THE SUPPLEMENT TO THE AFFIDAVIT OF INDIGENCY.

2. Applicant requests that the following fee be waived by the Criminal History Systems Board:

\$25 fee for personal CORI request

Signed under the penalties of perjury:

Signature of applicant: _____

Date: _____

'This form was adapted from the form prescribed by the Chief Justice of the SJC under Massachusetts General Laws, chapter 261, §27B.

ALL INFORMATION CONTAINED HEREIN IS CONFIDENTIAL. IT SHALL NOT BE DISCLOSED TO ANY PARTY OTHER THAN AUTHORIZED CRIMINAL HISTORY SYSTEMS BOARD PERSONNEL.

ment to Affidavit of Indigency²
Submitted with Personal Criminal Record Request

Name of applicant: _____

Address: _____
(Street and number) (City or town) (State
and Zip)

Under the provisions of General Laws c. 261, §§ 27A-G, the applicant swears (or affirms) as follows:

1. PERSONAL INFORMATION

(a) Date of birth: _____

(b) Highest grade attained in school: _____

(c) Special training: _____

(d) List any physical or mental disabilities:

(e) Number of dependents:

2. INCOME AFTER TAXES (monthly)

Gross monthly income: \$ _____

(a) If from employment, list your occupation and your employer's name and address:

(b) ~~Source of income, if not from employment:~~ _____

(c) My gross annual income for the past twelve months was: \$ _____

(d) Gross Income (monthly):

²This form was adapted from the form prescribed by the Chief Justice of the SJC under Massachusetts General Laws, chapter 261, §27B.

\$ _____

(e) Taxes Deductions (monthly)

Federal Tax: \$ _____ State Tax: \$ _____

Social Security: \$ _____ Health Insurance: \$ _____

Medicare: \$ _____ Pension: \$ _____ Other: _____

Total Deductions (monthly): _____

(f) Net Income (monthly) (gross income minus total deductions): \$ _____

(g) If applicant's spouse or any other member of applicant's household is employed, list occupation and name and address of his/her employer and monthly income after taxes:

3. NET INCOME (monthly):

(a) Income After Taxes (from Line 2(f)):

(b) Expenses (monthly):

Rent or Mortgage: \$ _____ Food: \$ _____

Clothing: \$ _____

Utilities (electricity, gas, oil, water, telephone) \$ _____

Health Insurance \$ _____ Uninsured Medical Expenses \$ _____

Child Care: \$ _____ Education Expenses for Children \$ _____

Other Expenses (i.e. transportation, laundry, car insurance, etc.)

Total Expenses (monthly): \$ _____

(c) Net Income Minus Taxes and Expenses (monthly): \$ _____

4 ASSETS

(a) Own home? _____ Market value: \$ _____

Balance owed \$ _____

(b) Own car? _____ Year and Make: _____

Market value: \$ _____ Balance owed:

\$ _____

(c) Bank Accounts (specify type and balance)

(d) ~~Other property including real estate (specify type and value)~~

5 . D E B T S

(a) Specify: _____

6 . MISCELLANEOUS

(a) Other facts that may be relevant to applicant's ability to pay fees and costs?

Signed under the penalties of perjury:

Signature of applicant: _____

Typed/Printed name of applicant: _____

Date: _____

ALL INFORMATION CONTAINED HEREIN IS CONFIDENTIAL IT SHALL NOT BE DISCLOSED TO ANY PARTY OTHER THAN AUTHORIZED CRIMINAL HISTORY SYSTEMS BOARD PERSONNEL.

Crime Glossary

Abbreviations Commonly Found in CORI

A&B	Assault and Battery
ARM	Armed
ATT	Attempted or Attempting To
B&E	Breaking & Entering
BR	Breaking
CNW	Common Night Walker (habitually walking streets) to prostitute)
CONT	Controlled
CSA	(Possession of a) Controlled Substance, Schedule A
CSB	(Possession of a) Controlled Substance, Schedule B
CSC	(Possession of a) Controlled Substance, Schedule C
DAY	In the Daytime
DIS	Disorderly OR Disturbing
DIS PERS	Being a Disorderly Person, i.e., Disorderly Conduct
DT	In the Daytime
FL	Failure (to)
HAZ	Hazardous
LAR	Larceny
LESS	In an Amount Less Than (usually \$250)
MAL	Malicious
MFG	Manufacturing, Manufacture of
MORE	In an Amount Exceeding (usually \$250)

MV	Motor Vehicle
NEG	Negligent(ly)
NIGHT	In the Nighttime
NT	In the Nighttime
OBSTRUCT	Obstruction of
OBT	Obtaining
OFF	Offense
OP	Operate, Operating
OT	Other Than, as in "O/T HEROIN"
OUI	Operating Under the Influence (of drugs or alcohol)
PERS	Of, or To, a Person
POSS	Possession
PROP	Property
PROST	Prostitution
REC	Receiving
REV	Revocation
ROB	Robbery
SUBSQ	Subsequent
SUBST	Substance
TRES	Trespass(ing)
UNLIC	Unlicensed
UTTERING	Usually, Attempt to Cash Bad check; knowingly trying to use a false, forged or altered record, deed, instrument or other writing
VIOL	Violation
W/O	Without



Disposition Codes

INTERPRETING DISPOSTION CODES

If a disposition code and its accompanying interpretation has been **bolded***, its use on a record is presumptively indicative of a conviction.

ADMF ASF	Admit to a Finding: admission by defendant that criminal charges are true or that there is sufficient evidence that a judge or jury could find such facts true. Court may either continue the case without a finding for a period of time (see CWOFF) or enter a finding of guilty. Also known as admission to sufficient facts.
APP	Appeal: a resort to a higher court for the purpose of obtaining a review of a lower court's decision and reversal of the lower court's judgment. This may also refer to when a defendant, having been convicted in a jury-waived session in the district court, was able to appeal his case and to obtain a six person jury trial under the old de novo system.
APP WD	Appeal Withdrawn: when a defendant withdraws his/her appeal to a higher court.
B	Bail: a monetary or other form of security given to ensure the appearance of the defendant at every stage of the proceedings. The court may as a condition of bail order the defendant to be supervised on pretrial probation and agree to certain conditions.
BF	Brought Forward: when defense or prosecutor moves to advance the case prior to the date previously set for hearing or trial.
BO or BOGJ	Bound Over: when probable cause is found to exist at a preliminary hearing, the court directs that the case be bound over for action by the grand jury.
BOF	Balance of Fine: amount of fine due set by court.
C	Continued: court will continue case for another date for hearing, trial, etc.

CASP	Community Alcohol Safety Program: refers to a condition of probation ordered by the court usually where the charge is first offense of operating under the influence.
CBF	Case Brought Forward: when defense counsel or prosecutor moves to advance the case prior to date previously set for hearing/trial by the court.
CC	Court Costs: costs imposed by the court.
CCI	Court Costs Included: see above.
CMNTY SRV	Community Service: condition of bail or probation ordered by the court which includes a specific period of hours of service to the community.
CMTD* (OR COM)	Committed; incarcerated
CMUT	Commuted: the substitution of a lesser penalty or punishment for a greater one. Sentences can only be commuted by the Governor with the advice and consent of the Executive Council.
CONC*	Concurrent: sentences to be served at the same time or to run together.
CONS*	Consecutive: sentences to be served one after another.
CWOF or CWF	Continued without a finding: not considered a conviction. The court allows the defendant to "save" his record and not have a guilty finding entered as long as he completes a period of probation without further criminal charges and complies with the terms of probation. Most often occurs where the defendant has admitted to sufficient facts (see above).
DEL	Delinquent: a child between the ages of 7 and 17 who violates any city ordinance, town by-law or commits a crime against the commonwealth. Upon a finding of delinquency, the judge may commit the juvenile to the custody of DYS until his/her 18 th birthday, or until his/her 21 st birthday if after a jury trial the court finds that his/her release poses a danger to the public.
DF	Default: failure by the defendant to appear in court during criminal case; a warrant will be entered for his/her arrest.
DISCH	Discharged: released from supervision of the court.
DISM	Dismissed: the court may dismiss a case for various legal reasons. The commonwealth has the remedy of appeal if a case is dismissed over its objection.
DRC	Dismissed at Request of Complainant: refers to criminal charges being dismissed based upon the victim's assertion to the court that he/she wishes these charges to be dismissed.

DRD	Dismissed Request Defense: in MA, the prosecution must agree to dismissal of criminal charges against the defendant; the court may not on its own dismiss criminal charges based upon the request of the defense.
DWOP	Dismissed Without Prejudice: the Commonwealth may file new complaint upon additional evidence or witness coming forward.
DYS	Department of Youth Services: state agency that juveniles are committed to until the ages of 18 or 21, respectively, upon finding of delinquency or adjudication as Youthful Offender by the court.
DY	Day(s): may refer to number of days the defendant was held awaiting trial as being served; or period of sentence following finding of guilt.
EXTN	Extended: continued for a period of additional time.
F&A* (OR F/A)	From & After indicates a sentence to be served consecutively to another sentence (not concurrent).
FEE	Fee: cost charged by court.
FILE	Case placed on file by court and disposes of case without the defendant having offered any admission to the criminal charges; although the case has not been dismissed, the case is placed on file which allows the prosecutor to move to reopen the case in the future.
FILE NF	Filed No Finding: a defendant's original plea is "not guilty" and the court may dispose of case with the Commonwealth's consent and place it on file. This does not prevent the Commonwealth from moving to reopen the case in the future.
FINE*	Fine: amount set by statute that defendants are required to pay based upon crimes charged and committed.
FJ	First Instance Jury Trial: formerly referred to de novo system in which a defendant could have a bench trial and then if convicted could appeal the trial to a jury, or waive the bench trial and go straight to the jury.
F&NW	Forthwith & Not Withstanding: refers to sentence to be served immediately.
FPA	File Pending Apprehension
FROM/AFT*	From & After (not concurrent): see above.
FRTH	Forthwith: court may order defendant to pay fines or monies owed immediately.
G*	Guilty: conviction of criminal charge; a finding by judge or jury beyond a reasonable doubt that defendant committed crime(s) charged by the Commonwealth.

G FILED*	Guilty filed: conviction of criminal charge without a period of incarceration or probation.
GJ	Grand Jury: body of people (usually 23) summoned to inform on crimes committed within its jurisdiction and to indict persons of crimes when it has been presented with sufficient evidence to warrant holding a person for trial.
HC or HOC*	House of Correction: county facility for holding inmates on bail or when sentenced to a period of incarceration. The maximum sentence is 2½ years.
HWB	Held Without Bail: finding by courts that no conditions or monies will ensure the return of the person for every stage of the criminal proceeding. Also called pretrial detention.
IND or INDICT	Indictment: a formal written accusation drawn up and returned by a grand jury (GJ) charging one or more persons with a crime. Indictments in adult cases are tried in Superior Court.
INDF	Indefinitely: Prior to 1994, a court could give a defendant an indefinite sentence to the state reformatory, with parole eligibility set by the Parole Board. This was abolished in 1994.
JD	Jurisdiction declined: district court may decline jurisdiction over a case in order that it will be handled in the superior court. Also referred to as Juris Dec.
JT	Jury Trial: the defendant has a constitutional right to be tried by a jury of his peers (6 person in district court, 12 persons in superior court with two alternates in both courts). In criminal cases the jury must unanimously find that the defendant committed the crimes charged beyond a reasonable doubt.
JURIS DEC	Jurisdiction Declined: please refer to JD above.
JUV COMP D	Juvenile Complaint Dismissed: this may occur when a defendant has been indicted as a Youthful Offender and the case proceeds in Juvenile Court as YO case and not as a juvenile case.
LIFE	Life: a defendant serving a life sentence is eligible for parole after 15 years, except for life sentences for 1st degree murder which are life without parole.
MT (or MIS)	Mistrial: order by judge terminating trial before conclusion; generally a new trial will then occur.
NDEL	Not Delinquent: See Not Guilty; entered in juvenile court.
NF	No Finding
NG	Not guilty: finding by judge or jury that the evidence presented by the Commonwealth did not prove beyond a reasonable doubt that the defendant committed the crimes as charged.
NOB	No Bill: when the grand jury declines to indict, it returns a "no bill of indictment."

NOLO	Nolo contendere: Latin translation is " I do not wish to contend"; formerly used in the Commonwealth in which a defendant enters a plea in a criminal proceeding who does not admit guilt but states that he will offer no defense against the charges. The defendant may then be declared guilty, yet retain the right to deny the validity of the finding in related proceedings.
NOS	Notice of Surrender: defendant has been given written notice by the probation department that the probation officer intends to seek usually a revocation of probation and an imposition of a custodial sentence.
NP	Nolle Prosequi (or Nol Prossed): motion by the Commonwealth to dismiss charges as if they were never brought in the first place because of insufficient evidence.
NPC	No Probable Cause: finding by court that there is insufficient evidence to believe that a crime has occurred or that the defendant committed a crime.
PARD	Pardoned: conditional release under supervision by the parole board; a pardon can only be granted by the Governor with the advice and consent of the Executive Council.
PC	Probable Cause: Finding by a judge that there is sufficient evidence to believe that a crime has occurred or that the defendant has committed a crime, in order to bind a case over from the district court to superior court for hearing.
PD (or &PD)	Paid
PG	Plea of Guilty: admission by defendant to criminal charges and waiver of right to jury or bench trial.
PROB	Probation: the court may order the defendant to be supervised by the probation department with certain conditions and/or programs to be completed during a specific period of time; this may be following a period of incarceration, with a suspended sentence, or straight probation.
PROB EXTN	Probation Extended: court may extend the period of probation that the defendant has been ordered to complete; this may be in order to have additional time to complete community service, a program or upon a finding of a violation of probation, the court may extend the period of probation rather than order the defendant to serve a period of incarceration.
PROC ST	Proceedings Stayed
PROG	Program: usually refers to a condition of probation that the defendant has been ordered to complete, and may include completion of alcohol safety awareness program, anger management program or batterer's treatment program, for example.
PTP	Pre-Trial Probation: as a condition of bail or release, the court may order the defendant to report to probation prior to the case being resolved.

REM	Removed: usually refers to the term of removing a case from a lower court to a higher court.
REST	Restitution: amount of monies ordered by the court that the defendant has been ordered to pay as a condition of the sentence.
RMT (or REMIT)	Remitted: refers to when the court does not require the defendant to pay court costs or fines due to indigency or other reasons.
ROR	Released on Recognizance: defendant is not required to post monies to the court to ensure his/her return during the course of the proceedings and instead is released without the requirement of posting bail money.
R/R	Revise and Revoke Sentence: post-conviction remedy of defendant asking the court to change his/her original sentence; sentencing judge may upon certain findings, revoke original sentence and order new sentence or deny the motion.
RSVD	Revised: refers usually to sentencing at the appellate level.
SDP	Sexually Dangerous Person: formal adjudication as a sexually dangerous person. Pursuant to G.L. c. 123A, s. 14, if after a trial an individual is found to be a SDP, such person shall be committed to the treatment center for an indeterminate period of a minimum of one day and a maximum of such person's natural life until discharged pursuant to the provisions of section 9.
SENT	Sentence: after finding by judge of jury on criminal charges, or offer of plea by defendant, the court may sentence a defendant to a period of incarceration (either committed or suspended) and/or probation and other terms.
SF	Surfine: additional fine required by statute associated with specific crimes.
SFI	Surfine Included
SFN	Suspended Fine
SP	Supervised Probation
SPS*	Split Sentence: After a finding of guilty or as part of a plea bargain, a defendant may be ordered to serve a period of incarceration and the balance on probation.
SS*	Suspended Sentence: when period of incarceration is not ordered to be served but "suspended" during the period of probation; if the defendant successfully completes the probationary period, he/she will not be ordered to serve the sentence (or period of incarceration).
SS RVK	Suspended Sentence Revoked: see SS; this is when due to violation of probation or further criminal activity, a defendant may be ordered to serve the sentence that had not been imposed but

	suspended.
STAY	Stay of Order of Sentence: judicial order abating the period of incarceration for a specific time.
SUMM	Summons: a mandate issued in lieu of arrest requiring the defendant's appearance in criminal court where he/she may be named to appear to answer to criminal charges; or as a mandate requiring an individual to appear as a witness at a trial or hearing.
SUP	Support: refers to entry of order of child support in cases of paternity or formerly illegitimacy in criminal court.
SURR	Surrendered: refers to having a defendant returned to court; usually refers to defendant on probation and having new criminal activity.
SURR DEF	Surrendered on Default: brought to court to answer to charges of having not appeared in court on date required.
TB	True Bill: return by the grand jury on one or more indictments holding the defendant on criminal charges; see indictment.
TBPD	To Be Paid: refers to court costs, fines or restitution.
TD (T&D)	Terminated and Discharged: refers to termination of supervised probation and defendant being discharged from probation.
TERM	Terminated: refers to termination of supervised probation.
VAC	Vacated: usually refers to the removal of default entered on an individual's criminal record.
VN	Violation of Probation Notice: written notice by probation of terms that defendant has allegedly violated; due process rights attach at hearing that will be scheduled.
VOP	Violation of Probation Finding: finding following a hearing before judge concerning whether the defendant has violated the terms of his probation. As a result of a finding, that a defendant is in violation, a judge may revoke a CWOFF and enter a guilty, impose committed time, or extend the term of probation.
VWF	Victim Witness Fund: statutory fund established. Depending upon whether the defendant is charged with a felony or misdemeanor, he is assessed certain fines that must be paid into the victim witness fund.
WAR	Warrant: issued by court or vested authority naming a person charged with a crime, and commanding their appearance before the court.
WARWD	Warrant Withdrawn/Recalled: when a defendant appears in court, the warrant will be recalled.

WD	Withdrawn: may refer to defendant's withdrawal of appeal to a higher court for review.
WKND	To Be Served Weekends: court has authority to order defendant to serve term of incarceration on weekends.
YO	Youthful Offender: a person who is subject to an adult or juvenile sentence for having committed, while between the ages of 14 and 17, an offense that if he/she were an adult would be punishable by imprisonment in the state prison, and (a) has previously been committed to DYS, or (b) has committed an offense which involves the infliction or threat of serious bodily harm, or (c) has committed a violation of G.L. c. 269, sections 10(a),(c), (d) or 10E.

INTERPRETING STATUS CODES

C Case Closed

O Open or Pending Case

W Outstanding Warrant

VPH Violation of Probation Hearing

WPD If a warrant was issued to a particular police department, that police department name should follow the "WPD:" If none appears, disregard the entry.

**Criminal History Systems Board:**

The Commonwealth's Provider of Criminal Justice Information Services

Criminal Offender
record InformationFirearms
Record BureauVictim
Services UnitFAIR sari
APPLICATIUS.

Information System

CORI

- Certification
- [Requesting Records](#)
- [General Grants](#)
- Acts [Protecting Children](#)
- How [to read a BOP](#)
- [Frequently Asked Questions](#)
- Forms and Applications

News and Information

- [New Criminal Offender Record Information Regulations \(CORI\)](#)
- [Fees](#)

CHSB Regulation 803 CMR 6.11**6.11 Opportunity to Challenge the Accuracy and Relevance of CORI**

(1) Unless otherwise provided by law, agencies certified pursuant to M.G.L. c. 6, §§172(b) or **172(c)**, that are inclined to make an adverse decision based upon receiving CORI, shall before making a final decision, afford the individual with an opportunity to challenge the accuracy or relevance of the CORI. Agencies shall have a written CORI policy that includes at a minimum the following provisions:

- notify the applicant of the potential adverse decision based on the CORI;
- provide a copy of the CORI to the applicant and the agency's CORI policy;
- provide a copy of the CHSB's information concerning the process in correcting a criminal record;
- inform the applicant which part of the criminal record appears to make him ineligible;
- provide the applicant with an opportunity to dispute the accuracy and relevance of the CORI;
- upon receipt of additional documentation from the applicant and/or the CHSB, review the information with the applicant and inform him/her of the decision;
- document **all** steps taken to comply with this section.

(2) The CHSB shall develop and make available a model CORI policy that an agency may use to implement the provisions of paragraph (1).

Related Links

- [Administrative Office of the Trial Court](#)
- [General Laws of _____](#)



**EOHHS CORI Regulations' "Table A" –
 Crimes Giving Rise to Extended Review of Hiring Decisions
 in State-Funded Human Services
 (101 CMR § 15.15)**

Table A	MGL
Abandon Child under 10, Resulting in Death	c. 119, § 39
Abuse of Patient in Long Term Care Facility	c. 265, § 38
Animals, Cruelty to	c. 272, § 77
Armed Career Criminal	c. 269, § 10G
Arson of Dwelling House	c. 266, § 1
Assault, Aggravated	c. 265, § 13A(b)
Assault & Battery, Dangerous Weapon, Aggravated	c. 265, § 15A(c)
Assault & Battery, Dangerous Weapon, Victim 60 and Older	c. 265, § 15A(a)
Assault & Battery on Child	c. 265, § 13J
Assault & Battery on Elder or Person with Disability	c. 265, § 13K
Assault & Battery, Intimidation, Race/Color/Religion	c. 265, §§39(a) and 39 (b)
Assault & Battery on Retarded Person	c. 265, § 13F
Assault with Intent to Murder or Rob, Armed	c. 265, § 18(b)
Assault with Intent to Murder or Rob, Victim 60 and Older, Armed	c. 265, § 18(a)
Assault in Dwelling, Armed	c. 265, § 18A
Assault by Dangerous Weapon, Victim 60 and Older	c. 265, § 15B(a)
Assault with Intent to Murder or Maim	c. 265, § 15
Assault with Intent to Rape	c. 265, § 24
Assault with Intent to Rape Child under 16	c. 265, § 24B
Breaking and Entering Night, Bldg/Ship/Motor Vehicle, Intent to Commit Felony	c. 266, § 16
Carjacking, Armed	c. 265, § 21A
Child in Nude or Sexual Act, Pose/Exhibit or Distribute Material	c. 272, §§ 29A and 29B
Child Enticement	c. 265, § 26C
Civil Rights Violation, Bodily Injury	c. 265, § 37
Criminal Harassment, Subsequent Offense	c. 265, § 43A(b)
Drugs, Distribute to Minor	c. 94C, § 32F
Drugs, Trafficking in Cocaine	c. 94C, § 32E(b) (1)-(b) (4)
Drugs, Trafficking in Heroin	c. 94C, § 32E(c) (4)
Drugs, Trafficking in Marijuana	c. 94C, § 32E(a) (4)
Elder/Disabled, Permit Abuse on	c. 265, § 13K(a) 1/2)
Explosion, Malicious	c. 266, § 101
Extortion	c. 265, § 25
Firearm, Armed Career Criminal	c. 269, § 10G
Home Invasion	c. 265, § 18C
Identity Fraud	c. 266, § 37E
Incest	c. 272, § 17
Indecent Assault & Battery on Person 14 or over	c. 265, § 13H

Indecent Assault & Battery on Child under 14	c. 265, § 13B
Indecent Assault & Battery on Child under 14, Aggravated	c. 265, § 13B 1/2
Indecent Assault & Battery on Child under 14, Aggravated, Subsequent Event	c. 265, § 13B 3/4
Indecent Assault & Battery on Disabled/Person over 60	c. 265, § 13K
Indecent Assault & Battery on Retarded Person	c. 265, § 13F
Kidnapping	c. 265, § 26
Kidnapping Minor by Relative, Endanger Safety	c. 265, § 26A
Manslaughter (Voluntary or Involuntary)	c. 265, § 13
Mayhem	c. 265, § 14
Murder	c. 265, §§ 1 and 2
Obscene Pictures, Distributing	c. 272, §§ 28 and 29
Obscene Materials Harmful to Minor, Distribute or Possess with Intent to Distribute	c. 272, § 28
Photograph Unsuspecting Nude Person/Photograph of Unsuspecting Nude Person, Disseminate	c. 272, §§ 104(b) and (c)
Prescription; Forgery, Alter, Subsequent Offense	c. 94C, § 33(c)
Prostitution, Derive Support from	c. 272, § 7
Prostitution, Derive Support from Child	c. 272, § 4B
Prostitution, Induce Minor to	c. 272, § 4A
Prostitution, Maintain House of	c. 272, § 6
Prostitution/Unlawful Sex/Abduct Person for	c. 272, § 2
Prostitution/Solicitation (With Person under 14)	c. 272, § 53A(b)
Rape	c. 265, § 22(b)
Rape, Aggravated	c. 265, § 22(a)
Rape & Abuse of a Child, Aggravated	c. 265, § 23A
Rape & Abuse of a Child, Aggravated, Subsequent Event	c. 265, § 23B
Rape of Child with Force	c. 265, § 22A
Rape of Child with Force, Aggravated	c. 265, § 22B
Rape of Child with Force, Aggravated, Subsequent Event	c. 265, § 22C
Rape of Child (Statutory)	c. 265, § 23
Reckless Endangerment to Children	c. 265, § 13L
Robbery, Armed	c. 265, § 17
Sex Offender, Failure to Register	c. 6, § 178H(a)
Sexual Conduct with Child under 14, Pay for or for Fee	c. 272, § 53A(b)
Sexual Intercourse, Administer Drugs for	c. 272, § 3
Sexual Intercourse, Induce Minor	c. 272, § 4
Stalking	c. 265, § 43(a)
Stalking in Violation of Restraining Order	c. 265, § 43(b)
Unnatural Acts with Child under 16	c. 272, § 35A
Violate Domestic Protective Order	c. 208, § 34C
Violation of Protective Order (209A)	c. 209A, § 7
Weapon of Mass Destruction	c. 266, § 102C
Conspiracy to Commit any of the above Table A Crimes	c. 274, § 7
Accessory Before the Fact of any of the above Table A Crimes	c. 274, § 2
Attempt to Commit any of the above Table A Crimes	c. 274, § 6

PETITION TO SEAL

[F]

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
Petition to Comm. of Probation
Section 1008 - Chapter 276. Delinquency (juvenile) cases...
Section 100A - Chapter 276. Misdemeanor cases...
Section 100A - Chapter 276. Felony cases...
Section 100A - Chapter 276. recorded offense which is no longer a crime...

Print Last name First name Middle name Date of Birth:
Alias/Maiden/Previous name
Mailing Address City State Zip
Occupation Social Security #
Birthplace
Father's Name Mother's Maiden Name
Husband or Wife
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 and Chapter 322 of the Acts of 1973, 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. 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 preceding such request...

Signed under penalties of perjury,

2. Signature of petitioner To the best of my knowledge:

a) All of my court appearance and court disposition records, including termination of court supervision, probation, or sentence for any misdemeanor occurred not less than ten years prior to this request; b) that my court appearance and court disposition records, including termination of court supervision, probation or sentence for any felony occurred not less than fifteen years prior to this request...

Signed under penalties of perjury,

Signature of petitioner

PETITIONER NOTTO WRITE BELOW THIS LINE

Table with 4 columns: Petition Allowed/Disallowed, 01, 02, 03, 04. Row 1: Allowed (Copy to Clerk and Probation Office). Row 2: Reason for Disallowance (Copy to petitioner only).



TRIAL COURT OF MASSACHUSETTS
OFFICE OF THE COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE, ROOM 405
BOSTON, MASSACHUSETTS 02108
617-727-5300

[G]

Petition to court to seal record of adult criminal and/or juvenile Massachusetts court appearances and dispositions.

PETITIONER'S NAME:

(Print) _____ Date of Birth _____
(Last Name) (First Name) (Middle Name)

Alias/Maiden/Previous Name _____

Mailing Address _____
(Number) (Street) (City) (State) (Zip Code)

Birthplace _____ Father's Name _____ Mother's Maiden Name _____

Section 100c - Chapter 276 (May Seal) Dismissed, except in cases where probation has been imposed. Nolte Prosequi, No Probable Cause, Not Guilty.

Section 34 - Chapter 94C (Drug controlled substance). (May Seal). First offense.

Section 34 Chapter 94C (Drug controlled substance). (Shall Seal). Possession of marijuana, or controlled substance in Class E.

Section 44 - Chapter 94C (Drug controlled substance). (Shall Seal). Not guilty, complaint dismissed or nol prossed.

Chapter 1102 of 1973 - Conviction of possession of marijuana prior to July 1, 1972. (Shall Seal).

Court No.	Docket No.	Court Appearance Date	Offense	Disposition

_____ Date

_____ Signature 01 Petitioner

Petitioner NOT To Write Below This Line

Petition Allowed/Disallowed

Upon a hearing on this matter on _____

I find that SEALING WAS NECESSARY TO EFFECTUATE A COMPELLING GOVERNMENTAL INTEREST.

Judge's Signature _____

Date _____

C.P.O. Signature _____

Reed by Commissioner of Probation _____

Instructions

After the petition is allowed, send the white copy to the Clerk's Office, the yellow copy to the Commissioner of Probation and the pink copy of the petitioner.

All copies must be signed by the judge. The yellow copy must be signed by the Chief Probation Officer before being forwarded to the Office of the Commissioner of Probation.

ABC Canning Company, Inc.
124 Mountainside Circle
Anywhere, MA 01472
508-894-7777

[H]

April 29, 2005

To Whom It May Concern:

I have known Mary Moe for the last three years, ever since she was hired by our company to work in the food preparation room at ABC's factory. She has been an excellent worker, and she was given a promotion last May and a raise in pay. Ms. Moe learns fast, she is very careful in her work, she is punctual, cooperative and gets along well with the other employees. Further, she has done all of this while, since September of 2003, she has been attending classes 4 nights a week with a view to getting a certificate in drug counseling. Ms. Moe is someone this company would like to keep — indeed, I wish that she could be with ABC until she reaches retirement!

However, Ms. Moe has told me that in January she intends to leave this job and devote the next year or so to her studies, so that she can get her certificate and start looking for a job in her chosen field of work.

It was in connection with her leaving that she asked me to write this letter of recommendation. We had a private conversation, and she shared with me information about her past, information which I did not know about when we hired her. (ABC does not do CORI checks, and we do not even ask about criminal records unless there is something about an applicant which makes us suspicious.)

What I learned astounded me, not so much because of the extent of her past criminal record but because it indicated a lifestyle and a set of attitudes that have no relation to the responsible, hard-working person that she is now and has been as a top worker at ABC Canning Company for the last three years. Once in her life she was a slave to drugs, and this led her into bad company and-into crime. But she did her time, and while she was in prison, she went through a drug rehab program which not only helped her to get permanently off drugs but also into a whole new, honest, serious, hardworking life style. She is quite clearly now a wholly different person from the one she was when her behaviors gave rise to her CORI.

When Ms. Moe completes her course and gets her certification, she will be looking for a job. I hope that anyone considering her application will give major consideration not to her CORI-past but to the person she is now.

Sincerely,

J. M. Pingree
President