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LEGISLATIVE TESTIMONY

To: Members of the Joint Committee on the Judiciary
From: Edward F. Saunders, Jr., Esq., Executive Director
Re: CORI Reform Legislation
Date: July 27, 2009

The Massachusetts Catholic Conference (“Conference”) respectfully submits this testimony concerning legislative efforts to reform the Criminal Offender Record Information (CORI) system in Massachusetts. The Conference advocates reforms that eliminate unnecessary CORI access or use.

CORI checks impede the ability of rehabilitated ex-offenders to acquire gainful employment or other positions, and housing or other services. Of particular concern is the potentially life-long detriment that CORI checks may cause for ex-offenders who exercised poor judgment when they were young, but who no longer pose a threat because of personal transformation, as subsequently demonstrated by a continuously clean record.

Nonetheless, the Conference appreciates the importance of balancing the interests of ex-offenders against the legitimate needs of prospective employers to ensure safety for their employees, customers or clients, and of landlords with respect to tenants. In some cases the safety needs may be substantial, but before they are held to outweigh the interests of ex-offenders, security concerns should be substantiated.

There are at least twenty bills before the Joint Committee on the Judiciary being heard today that address CORI issues by, according to the assessment of the Criminal Justice Policy Coalition of Massachusetts, either reducing¹ or expanding² CORI access or use.

The various bills seeking to reduce CORI access or use, considered as a whole, propose the following changes: 1) limiting CORI searches to cases that remain open or that involve only convictions, thereby excluding criminal complaints that were withdrawn or dismissed or convictions that were pardoned; 2) requiring CORI reviews to be conducted only after a decision to employ is conditionally reached; 3) narrowing the scope of CORI reviews to include only crimes directly relevant to the nature of the prospective job or housing; 4) shortening the period of time that records will remain open; 5) providing due process, including disclosure to job seekers of the content of CORI reports that employers are considering, and the provision of notice and the opportunity to rebut proposed findings in advance of any adverse employment decisions based on CORI checks; and 6) providing various mechanisms for purging criminal files. This category of bills would preserve CORI access to sealed records when sought by law enforcement agencies or prevent the sealing of records when the crime involves a sex offense.

¹ As of July 17, 2009, the Coalition listed on its website the following bills before the Judiciary Committee in the following order as “reducing CORI”: H.3523/S.1608; H.1372; H.1440; H.1323; H.1324; H3517; H.3534; H.1327; S.1721. See <http://www.cjpc.org/20092010MassLegislature/List2009.htm#CORI>. Not listed is the Governor’s recently filed legislation, House 4107, which generally reduces employer access, primarily by shortening the time frames within which criminal records would remain open to the public.

² See *id.* listing the following bills in the following order as “expanding CORI”: H.1273; H.1348; H.1689; H.1255; H.1434; S.1741; H.3526; S.1686; S.1709; S.1723.

The bills seeking to expand CORI access or use, considered in their entirety, offer the following changes: 1) expanding the category of information to be included in CORI (such as adding information about financial crimes); 2) mandating CORI checks for new categories of occupations, such as those involving care for young persons, persons with disabilities, or older persons; 3) providing financial inducements for certain categories of employers to conduct CORI checks by reducing or eliminating fees for CORI reports; and 4) creating an official web-based CORI database that is more easily accessible to the public.

It is not within the expertise of the Catholic Bishops or the Conference to recommend the exact scope and shape of specific improvements to the CORI system or to assess the relative merits of each of the bills before the Joint Committee on the Judiciary. However, the Conference urges the Committee to recognize the importance of assuring a more equitable use of criminal record information than is currently afforded under the present CORI system.

As recently observed by a state task force on CORI in the workplace, “[m]en and women with a criminal background, regardless of the nature and severity of their crime, time elapsed since criminal activity, and evidence of successful rehabilitation, are frequently rejected for jobs before they are even considered. In fact, a criminal background is among the steepest hurdles to obtaining a job that one may face.” The Boston Foundation & The Crime & Justice Institute, *CORI: Opening Doors of Opportunity: A Workforce and Public Safety Imperative: Report of the Task Force on CORI Employer Guidelines 5* (2007).

The Conference recognizes the need to strike a fair balance that takes into account the effect that unnecessary CORI use and access will have on rehabilitated persons while at the same time accommodating the interests of those persons who have not violated any laws and thus are not subject to the CORI system.

We urge the Joint Committee on the Judiciary to examine the evidence of current defects in the CORI process that affect the integrity of the system and its use, and that result in the unnecessary and stigmatizing exclusion of rehabilitated persons from such opportunities as employment and housing. We hope that the Committee will craft legislation designed to remedy the defects in a manner that restores the proper balance between maintaining public safety and preserving the human dignity of ex-offenders., without undue detriment to the interests of non-offenders.

The Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.