



**GREATER BOSTON
LEGAL SERVICES
BOSTON, MA**

**ASHLEIGH PELTO
EJA FELLOW**

HUMAN TRAFFICKING FELLOWSHIP

**POST GRADUATE
BI-ANNUAL REPORT**

SPRING 2023

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REFLECTIONS



It has been a phenomenal opportunity to have my Equal Justice America project placed within Greater Boston Legal Service's (GBLS) CORI & Re-entry Project. GBLS is an institutional legal services organization and my supervisor, Pauline Quirion, has been engaged in work centered around criminalized persons for the last three decades.

Much of my work over the last six months has been a balance of (1) working directly with clients who have been impacted by criminalization and the devastating effects of a criminal record on securing employment, housing, and continuing education, as well as (2) focused legislative advocacy in order to improve record clearing opportunities for criminalized survivors for whom these effects are barriers to thriving and recovers, and (3) active coalition building with local and national partners.

I believe having a balance of work across these areas is the most effective way to approach justice-related work such as this project. I am able to work to provide direct relief to survivors who are facing barriers in this moment, while simultaneously

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thinking systemically about how to improve circumstances for survivors in the future who are not yet experiencing these barriers.

I have been so grateful for the opportunity to engage in this work for the past six months and look forward to all that will be accomplished during the remainder of my fellowship.



INITIATIVES

a. Direct services

I have provided direct services to clients across multiple forms of criminal record relief during my first six months. This representation centers around a client's Criminal Offender Record Information (CORI). CORI is a summary of all a person's criminal cases in Massachusetts' state courts. Potential employers, landlords, and licensing screeners all have varying degrees of access to an applicant's CORI. Criminal record relief allows applicants to clear their records of eligible charges and convictions so they do not create a barrier to finding gainful employment or affordable housing.

The most common form of relief available to clients is that of record sealing and sealing representations have taken up the majority of my direct services capacity. Sealing hides a record from nearly all employers and landlords, allowing clients to apply for jobs and housing without the concern that they will be rejected due to a past record. In addition to sealing, my project also covers expungement and vacatur petitions as well. Expungement destroys copies of a record from almost all databases, excepting certain government agency and law enforcement divisions. Vacatur resets a guilty conviction and allows a charge to be dismissed and then sealed.

Vacatur applications are much more intensive than sealing applications. Sealing applications can be filed either administratively or through a short 1-2 hearing process, depending on the record. A vacatur petition involves an affidavit and legal memorandum explaining the legal basis for the petition. It is also best practice to approach the office who initially prosecuted the charge to determine their stance on the petition and whether they will oppose it. Vacatur applications are also significantly rarer, and so courts can take a long time to schedule hearings.



b. Internal trainings

In addition to direct services, I have engaged in several trainings with other legal departments at GBLS, such as the Family Law and Employment Units. At the trainings, I focus on identification of trafficking survivors within the department's existing client population. Trafficking is an issue that legal services organizations can fail to screen for if they feel they do not provide trafficking-specific legal remedies such as T Visas or vacatur. However, survivors of trafficking are not always able to access trafficking-specific remedies. And so, it is helpful for legal practitioners to identify that a client has experienced trafficking, regardless of whether they are eligible for a trafficking-specific legal remedy, for the purposes of providing trauma-informed services and

also providing referrals to social service agencies.

There is a substantial amount of misinformation that circulates about trafficking through social

media and even some anti-trafficking organizations. In my trainings, I aim to debunk common trafficking myths, identify the ways trafficking manifests in various industries, and discuss tactics for effective screening.

c. Coalition-building

One of the most important aspects of working in this field is coalition-building. I am only able to provide a specific service to the clients within GBLS' service area. However, survivors of trafficking often approach service providers with an array of legal and social issues they need addressed. My job as a practitioner is to connect my clients with all of the services they need to rebuild and thrive after their trafficking experience. This looks like maintaining relationships with a broad range of legal and



social services organizations so I can be the most effective advocate possible for my clients.

I have seen how this intentionally-built coalition network has directly supported my clients already within my first six months at GBLS. When I first started my project at GBLS, I made sure to reach out to the Norfolk District Attorney's office—an office I had connected with in my previous role—to make them aware of the services I was able to provide to any survivors they interacted with. A victim-witness advocate reached out to me about a survivor she was working with who had several charges that were eligible to be sealed by petition to the court. As I was working with this client on her sealing case, she shared with me other struggles she was facing related to housing, obtaining restitution in the criminal case, clearing debt her trafficker had imposed on her, as well as requests to share her story in a more public arena. Due to my efforts to connect with other providers and survivors in the state, I was able to connect her to resources for each of these issues. I have seen often in this work how survivors will have legal and non-legal issues that fall outside of the realm of services I am able to provide. Having a wide coalition of connections who are all doing work in this area, allows me to provide the most effective advocacy possible for the clients I am trying to support.

i. Locally

Within the greater Boston area, I spent my first six months reconnecting with organizations I had developed relationships with in my previous position and reaching out to existing partners of the GBLS CORI Project to alert them to the existence of my project and the expanded services we are able to provide. This included a broad range of legal services agencies, social services agencies, prosecutor offices, defense attorneys, law school clinics, bar associations, and employers. With each connection, I sent out a one-page flyer detailing the specifics of my project and I offered to meet with the organization or agency leadership and/or their teams to



provide a more in-depth overview of the services. Several organizations and agencies took me up on this offer and I conducted external trainings with service providers such as Ready Inspire Act, Inc., Casa Myrna, and Domestic Violence Ended, Inc.

I also had many meetings over my first six months to establish these connections. These meetings included connections with law firms such as WilmerHale and Mintz, coalitions such as Jane Doe, Inc. -- Massachusetts' state domestic violence coalition—and the Massachusetts Association of Criminal Defense Lawyers, and academic institutions such as Boston University Law School's Immigrant Rights and Human Trafficking Clinic and Harvard Law School's Immigration and Refugee Clinical Program.

ii. Nationally

I continued to develop relationships established through my memberships in the Freedom Network USA Coalition and ALIGHT, through workshops with the Coalition Against Slavery & Trafficking (CAST), and as a mentor with the Human Trafficking Institute. I attend regular Freedom Network membership meetings and working groups with human trafficking advocates across the country as well as engaging in sharing resources and referrals through Freedom Network's very active listserv. I have connected with Polaris, a national anti-trafficking nonprofit around legislative advocacy for the bill I worked to have filed in Massachusetts. I also mentor a law student Douglass Fellow with the Human Trafficking Institute, an organization for which I also served as a fellow during my third year of law school.

d. Legislative advocacy

Over my first six months, I worked with a small team from Jane Doe, Inc. (Massachusetts' domestic violence coalition) and Boston University's Immigrant Rights & Human Trafficking Clinic to draft a bill which aims to expand access to



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record relief for survivors of sexual and domestic violence and trafficking (SDVT). The bill, if passed, will eliminate the waiting period for sealing of criminal records if a survivor of SDVT can establish a connection between their victimization and criminal record and expand availability of expungement, vacatur and affirmative defense for survivors of SDVT who can show their criminal acts were as a result of their victimization.

On January 11, 2023, our team met with interested legislators Representatives Tram Nguyen and Christine Barber and their staffers to discuss the need for the bill and what we hope it will accomplish. I provided a brief overview and fielded questions about the need for record relief for survivors and how this bill would go far to expand access to record relief. We also connected with Senators Adam Gomez and Liz Miranda to pursue their interest in filing a Senate version of the bill as well.

The bill was filed on January 20, 2023 by Senators Adam Gomez and Liz Miranda in the Senate and Representatives Tram Nguyen and Christine Barber under the name “An act supporting survivors of trafficking and abuse and encouraging increased access to opportunities through expungement and/or sealing of records.”

The bill was assigned to the Judiciary Committee in February and our team is now engaged in an awareness-raising campaign to garner organizational sign-ons and additional legislative

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co-sponsorships. The legislative session will run throughout the remainder of the year. We are anticipating hearings for oral testimony and requests for written



testimony to issue in the late summer or early fall.

I continue to organize advocacy planning meetings around this bill and seek supportive sign-ons from local organizations. I have met with the Massachusetts Association of Criminal Defense Lawyers, the Massachusetts Bar Association, the Massachusetts Women’s Bar Association and have reached out to the Boston Bar Association to garner their sign-ons and endorsement. I reached out to Polaris, a national anti-trafficking nonprofit, to secure their support and our advocacy team will be meeting with them in early April to discuss strategies on how their team can support our legislative efforts. The bill has been placed on the list of legislative priorities for Jane Doe, Inc. as well as the Criminal Justice Reform Caucus, a group of progressive legislators chaired by Representative Mary Keefe and Senator Jamie Eldridge. I have connected with Freedom Network USA and the National Survivor Network to make them aware of the bill and solicit their support in further advocacy efforts through written testimony.

Apart from this bill, I engaged in the Clean Slate Coalition’s lobby day on February 14, speaking with legislators and aides about their priorities for record clearing legislation since this directly impacts my project’s population and their ability to reintegrate successfully into society. I also participated in the Women’s Bar Association’s Legislative Breakfast on March 6 since they had agreed to add our bill to their list of supported legislation for this session.

e. Social Media awareness raising

In addition to the monthly updates I provide as part of my Human Trafficking Fellowship, I also regularly post on an Instagram account created solely for the purpose of debunking trafficking myths and raising awareness of resources.



CLIENTS SERVED

In total, I have worked with seventeen clients during my first six months.

a. Intakes conducted

I conducted fourteen intakes during my first six months. The majority of these are clients that have attended the CORI & Re-entry Project's virtual CORI Record Sealing clinic which we offer on a monthly basis. I have also conducted intakes with clients who reached out to GBL's CORI Project through our direct email address. And finally, I have conducted intakes on clients who have been referred directly to me through my coalition partners.

b. Brief advice/referrals

I provided brief advice or referrals to seven clients during my first six months. Many of the brief advice representations occur because the client's criminal record is not yet eligible for sealing. I obtain a copy of their CORI (criminal offender record information), review their eligibility, and provide them with the dates upon which their record will be eligible for sealing so they can reach out to the CORI Project again at that time.

c. Full representation

I provided full representation to ten clients during my first six months. For all clients, I obtain a copy of their CORI and review their eligibility for relief. For some clients, enough time has passed since they incurred their record that they are able to seal their record administratively. I assist them in filling out the sealing form and mail the form on their behalf to the Massachusetts Probation Department for administrative sealing. For other clients, their records are eligible to be sealed by



hearing without a waiting period. I assist them in drafting an affidavit and represent them in one to two hearings as we seek sealing in the court where they incurred their record. Other clients have charges that are eligible to be expunged. This process is very similar to sealing with a standardized form to complete and a hearing scheduled to argue the merits of the expungement petition.

One of the most challenging elements of sealing petitions for clients is the inconsistency across courts, and in some cases, even from judge to judge on the procedural aspects of their petitions. I have represented clients on cases where, on the day the case is filed, a preliminary hearing on their petition is immediately heard. Then, their petition is posted publicly for two weeks before a full evidentiary hearing takes place on their petition. For other clients, a judge may decide their petition on the papers of their application alone within days of submission. And for others, the court makes them wait a full month before even an initial hearing can take place.

For trafficking survivors in particular, the courtroom can be a place of trauma since it places them back in a location where they were at the time they were being trafficked. Some judges ask petitioners to speak on their own behalf, despite having counsel present, and addressing a judge in a courtroom where they appeared, exploited and criminalized, can serve to retraumatize them all over again. My job as an advocate is to do my best to shield clients from having to take an active role in the courtroom so as to minimize any retraumatization they may experience.

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And finally, for clients who have convictions that are eligible to be vacated, I assist them in drafting an affidavit and I draft a legal memorandum arguing their eligibility for vacatur. I gather other supportive evidence of their claim and present the entire proposed filing to the prosecutor's office which originally charged the client. I discuss any issues or concerns the prosecutor's office may have with the vacatur petition in an attempt to have them join or decline to oppose the vacatur petition. Finally, I represent the client in a hearing on the petition.

This process is far less regulated than even sealing and expungement petitions. Because these petitions are so rare (due in great part to how limited Massachusetts' survivor-centered vacatur relief law is), many courts do not have clear procedures in place for how to handle these petitions. Additionally, since a prosecutor's objection could be devastating to a client's case, the petition is often held up by the initial communication to the prosecutor's office since they have no rule-mandated time limit on which they have to respond to a request to discuss their office's position on a petition.

SUCCESSSES

My greatest success during my first six months was the filing of "An act supporting survivors of trafficking and abuse and encouraging increased access to opportunities through expungement and/or sealing of records." In one survey conducted by the National Survivor Network of 130 trafficking survivors, over 90% of the survivors reported that they had been arrested at least once during the course of being trafficked. Over half of all respondents believed that 100% of their arrests, charges, and convictions were directly related to their trafficking experience.

The charges on a survivor's record can vary widely in nature depending on how a trafficker is exploiting their victim, the law enforcement priorities in a given district,



and the specific vulnerabilities of a given victim. According to the Survivor Reentry Project:

For sex trafficking victims these crimes are frequently prostitution charges, but may also include other charges such as weapons, drugs, financial crimes, and identity theft. Labor traffickers, like sex traffickers, can also benefit from forcing a victim to commit illegal acts such as selling or cultivating drugs or, commonly at the U.S. border, forcing individuals to be drug mules or bring people into the country illegally. Additionally, other common offenses for labor trafficking can include possession of false identification documents, financial crimes, or other minor offenses such as trespassing. Minors who are trafficked are often charged with status offenses such as truancy and running away.

Massachusetts currently has limited forms of record relief available to survivors. Apart from general record clearing statutes, a law allowing vacatur of two types of offenses was passed in 2018. According to a report released by Polaris, a national anti-trafficking nonprofit, in 2019, Massachusetts currently has received a D ranking for its record relief statute. Its lowest categories are related to the:

- (1) limited number of offenses covered by the current statute and
- (2) the fact that the current statute only addresses convictions but ignores all other elements of a record such as arrests, juvenile adjudications, and non-prosecuted cases.

Passing this bill would address both of these categories and the main areas where

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Massachusetts is not meeting the needs of its survivors. It would expand the eligible convictions so survivors' access to relief would not be limited by the way their trafficker or



abuser chose to exploit them or how they were forced to cope with their exploitation and abuse. It would also allow survivors to seal all elements of their record, not just guilty convictions.

CHALLENGES

One of the biggest challenges I'm facing is the current legal landscape for record clearing in Massachusetts. This is why the filing of the above bill is so necessary, but also isn't happening fast enough.

The majority of survivors I work with are only eligible for record clearing under Massachusetts' general record clearing laws. These often require a wait time – three years for misdemeanor convictions and seven years for felony convictions. If their offenses are eligible to be sealed without a waiting period, they still have to appear for two separate hearings and discuss topics of rehabilitation and better conduct in an affidavit. This process does not account for the fact that survivors are often forced, coerced, or defrauded into engaging in criminal activity. A judge does not have to consider an applicant's experience as a survivor in these hearings. Further, these hearings are public and generally take place in the general criminal session which can be an unsafe and often retraumatizing experience for survivors.

For survivors whose traffickers caused them to engage in criminal activity throughout various jurisdictions within the state, they have to appear in hearings in each and every court where they were charged. This causes inconsistency in outcomes for survivors since every court and judge has different procedures and priorities when hearing record sealing petitions.

Even if a survivor is eligible for vacatur under the trafficking-specific record relief statute – which, again, only applies to two limited categories of offenses – they still need to go through the general sealing process since automatic sealing after



vacatur was not written into the original statute.

Every aspect of the record sealing process in Massachusetts creates obstacles and challenges for survivors far beyond what is reasonable to expect for individuals who have experienced the traumatization of trafficking and whose records are very often the result of force, fraud, coercion, or which they incurred as a result of behaviors they engaged in to survive or cope with the trauma they were enduring.

“EVERY ASPECT OF THE RECORD SEALING PROCESS IN MASSACHUSETTS CREATES OBSTACLES AND CHALLENGES FOR SURVIVORS FAR BEYOND WHAT IS REASONABLE TO EXPECT FOR INDIVIDUALS WHO HAVE EXPERIENCED THE TRAUMATIZATION OF TRAFFICKING...”

“...AND WHOSE RECORDS ARE VERY OFTEN THE RESULT OF FORCE, FRAUD, COERCION, OR WHICH THEY INCURRED AS A RESULT OF BEHAVIORS THEY ENGAGED IN TO SURVIVE OR COPE WITH THE TRAUMA THEY WERE ENDURING.”

GOALS FOR THE NEXT HALF YEAR

- I will pursue continued advocacy related to “An act supporting survivors of trafficking and abuse and encouraging increased access to opportunities through expungement and/or sealing of records.” This will look like: garnishing support from the community and area organizations to sign on as supporters of the bill, meeting with legislators to encourage them to co-sponsor or support the bill, and gathering individuals willing to submit written and oral advocacy when the Judiciary Committee schedules hearings.



- I will continue to reach out to area organizations and community groups to educate them about the availability of record clearing services for survivors and to train them in techniques for identification of survivors within their service populations.
- I will continue in my position as Co-Chair of the Boston Bar Association Human Trafficking Subcommittee with the aim of bringing new programming to our members in the latter half of 2023.

MEDIA

While there have been no published media reports based on my project at this time, I anticipate the publication of a radio series and a podcast in which my work will be featured in the coming months.

On February 22, I was interviewed by Leona Gould-McElhone of WMUK Public Radio in Kalamazoo, Michigan. Leona discovered my work through my Equal Justice America updates on LinkedIn and reached out to connect with me when she discovered my background in the criminalization of trafficking survivors and my prior work in this field when I was at the University of Michigan Law School's Human Trafficking Clinic. Leona is working on a multi-part radio series looking to be published later this spring/summer which centers around a survivor who approached her last year seeking to raise awareness of her circumstances and this broader issue.

On March 24, I was interviewed by Douglass Fellows from the Human Trafficking Institute, Monica Naranjo and Alyssa Grzesiak for the Institute's podcast Trafficking Matters. I was interviewed alongside Johanna Lee. Both Johanna and I are Douglass Fellow alumni currently engaged in work in the anti-trafficking field. We spoke to our experiences and I highlighted my current project through Equal Justice America and discussed the need for record relief for survivors in the state and the desperate need for improved legislation. This episode will also likely be published later this spring/summer.



SUPERVISORY REPORT FOR ASLEIGH PELTO, EJA FELLOW

March 28, 2023

Ashleigh Pelto began her fellowship with the CORI & Re-entry Project at Greater Boston Legal Services in October 2022.

Ashleigh is very knowledgeable about the law as well as the needs and challenges related representation of survivors of domestic violence, sexual assault, and trafficking. She is holistic, empathetic, and careful in her approach to her clients. She has good interpersonal skills and is a good team player.

Ashleigh has excelled in her work. She has engaged in both systemic and individual legal advocacy for her clients. She is an excellent writer and researcher. She did an outstanding job drafting the vacatur and record clearing bill and in creating a plan for passage of the bill. She is well respected by others, including members of the legislature and our legislative partners including but not limited to Jane Doe, and members of the bar. She did an excellent job presenting to and obtaining endorsements of the bill from the Massachusetts Bar Association and the other groups. She also created media materials and fact sheets for the legislative campaign.

Ashleigh also has track record of success in representing clients in court in sealing and other matters. She is very organized, poised, and able to present compelling arguments for her clients at hearings.

In sum, Ashleigh is doing an excellent job and we look forward to continuing to work with her.

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